

# FEDERAL REGISTER



VOLUME 6      NUMBER 93

*Washington, Tuesday, May 13, 1941*

## *The President*

**EMERGENCY BOARD DULUTH, MISSABE AND IRON RANGE RAILWAY; CHICAGO AND NORTH WESTERN RAILWAY; GREAT NORTHERN RAILWAY; MINNEAPOLIS, ST. PAUL AND SAULT STE. MARIE RAILWAY—EMPLOYEES**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS the President, having been duly notified by the National Mediation Board that a dispute between the Duluth, Missabe and Iron Range Railway; Chicago and North Western Railway; Great Northern Railway; Minneapolis, St. Paul and Sault Ste. Marie Railway, carriers, and certain of their employees represented by the

*Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees*

which dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, amended, now threatens substantially to interrupt interstate commerce within the States of Minnesota, Wisconsin and Michigan and on the Great Lakes to a degree such as to deprive that section of the country of essential transportation service;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the power vested in me by the Constitution and laws of the United States, and by virtue of and under the authority in me vested by Section 10 of the Railway Labor Act, amended, do hereby create a board to be composed of three persons not pecuniarily or otherwise interested in any organization of railway employees or any carrier, to investigate the aforementioned dispute and report its findings to me within thirty days from this date.

The members of this board shall be compensated for and on account of such duties in the sum of seventy-five dollars (\$75.00) for every day actually employed with or upon account of travel and duties

incident to such board. The members will be reimbursed for and they are hereby authorized to make expenditures for expenses for themselves and of the board, including traveling expenses and in conformity with Public No. 212, 72nd Congress, Approved June 30, 1932, 11:30 a. m., not to exceed five dollars (\$5.00) per diem for expenses incurred for subsistence.

All expenditures of the board shall be allowed and paid for out of the appropriation "Emergency Boards, Railway Labor Act, May 20, 1926, 1941", on the presentation of itemized vouchers properly approved by the chairman of the board hereby created.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this ninth day of May, 1941 in the year of our Lord nineteen hundred and [SEAL] forty one, and of the Independence of the United States of America the one hundred and sixty fifth.

FRANKLIN D. ROOSEVELT

By the President

CORDELL HULL  
Secretary of State  
[No. 2481]

[F. R. Doc. 41-3401; Filed, May 12, 1941; 10:30 a. m.]

### CONTROL OF THE EXPORT OF CERTAIN ARTICLES AND MATERIALS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS section 6 of the act of Congress entitled "AN ACT To expedite the strengthening of the national defense", approved July 2, 1940, provides as follows:

"SEC. 6. Whenever the President determines that it is necessary in the interest of national defense to prohibit or curtail the exportation of any military equipment or munitions, or component parts thereof, or machinery, tools, or ma-

## CONTENTS THE PRESIDENT

	Page
<b>Proclamations:</b>	
Control of the export of hyoscyamus, stramonium, columbium, etc.....	2373
Emergency board created under the Railway Labor Act, as amended, to investigate a dispute between the Duluth, Missabe and Iron Range Railway, et al., and certain of their employees.....	2373
<b>RULES, REGULATIONS, ORDERS</b>	
<b>TITLE 7—AGRICULTURE:</b>	
Agricultural Adjustment Administration:	
Wheat, national marketing quota, 1941-1942 .....	2375
Bureau of Entomology and Plant Quarantine:	
Mediterranean fruitfly and melonfly, inspection of vessels.....	2374
<b>TITLE 10—ARMY: WAR DEPARTMENT:</b>	
Personnel:	
Enlistment in the Regular Army, amendment .....	2375
<b>TITLE 17—COMMODITY AND SECURITIES EXCHANGES:</b>	
Securities and Exchange Commission:	
Trust Indenture Act of 1939, applications of certain persons desiring to act as trustees under .....	2376
<b>TITLE 19—CUSTOMS DUTIES:</b>	
Bureau of Customs:	
Coffee quota, declaration by the Secretary of the Treasury .....	2376
Wells Farms Airport, etc., redesignated as airports of entry .....	2376
<b>TITLE 24—HOUSING CREDIT:</b>	
Federal Home Loan Bank Board:	
Election of directors.....	2376
<b>TITLE 26—INTERNAL REVENUE:</b>	
Bureau of Internal Revenue:	
Income tax, amendments....	2377

(Continued on next page)



Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

### CONTENTS—Continued

#### TITLE 30—MINERAL RESOURCES:

Bituminous Coal Division:	Page
Minimum price schedules, relief granted; petitions of:	
District Board No. 1.....	2378
District Board No. 3.....	2378
District Board No. 4.....	2379
District Board No. 7 (2 documents).....	2381, 2392
District Board No. 9.....	2382
District Board No. 10.....	2383
District Board No. 11.....	2384
District Board No. 12 (2 documents).....	2385
District Board No. 13.....	2386
District Board No. 16.....	2390
District Board No. 17.....	2390
District Board No. 20.....	2391

#### TITLE 32—NATIONAL DEFENSE:

Selective Service System:	
Designation of camp projects as work of national importance:	
Ashburnham, Mass.....	2393
Bluffton, Ind.....	2394
Cooperstown, N. Y.....	2394
Petersham, Mass.....	2393
Royalston, Mass.....	2393
State director authorized to order certain physical examinations.....	2392

#### TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF:

Veterans' Administration:	
Disallowance and awards, computation of annual income.....	2394

#### TITLE 45—PUBLIC WELFARE:

Civilian Conservation Corps:	
Selection of veterans' contingent, state and corps area quotas.....	2395

### NOTICES

Department of the Interior:	
Bituminous Coal Division:	
District Board No. 18, hearing postponed.....	2401

### CONTENTS—Continued

Department of the Interior—Con.	
Bituminous Coal Division—Con.	Page
Guyan Eagle Coal Co., et al., relief granted.....	2399
Notice of hearings, etc.:	
Albuquerque and Cerrillos Coal Co., et al.....	2400
Ohio and Pennsylvania Coal Co., et al.....	2400
Youghiogheny & Ohio Coal Co., petition dismissed....	2401
Department of Labor:	
Wage and Hour Division:	
Apparel industry, confirmation of certificate.....	2403
Clay products industry, hearing on minimum wage recommendation.....	2403
District of Columbia, minimum wage board secretary authorized to grant special certificates, etc....	2405
Learner employment certificates, issuance for various industries (2 documents).....	2401, 2402
Knitted and men's woven underwear, etc., industry, appointment of industry committee.....	2405
Packing and drying of unshelled walnuts and filberts, opportunity to petition for review of determination.....	2403
Federal Power Commission:	
Anchorage Light and Power Co., Inc., application filed.....	2406
Navy Department:	
Contract summaries:	
Defense Plant Corp.....	2398
General Electric Co. (3 documents).....	2398
Securities and Exchange Commission:	
Notices regarding filing:	
Michigan Gas and Electric Co.....	2407
United Gas Corp., et al.....	2406
Selective Service System:	
Pennsylvania, State director authorized to order additional physical examinations.....	2407
War Department:	
Contract summaries:	
American Woolen Co.....	2396
Glenn L. Martin Co.....	2396
Uxbridge Worsted Co., Inc....	2396

terials, or supplies necessary for the manufacture, servicing, or operation thereof, he may by proclamation prohibit or curtail such exportations, except under such rules and regulations as he shall prescribe. Any such proclamation shall describe the articles or materials included in the prohibition or curtailment contained therein. In case of the violation of any provision of any proclamation, or of any rule or regulation, issued thereunder, such violator or violators, upon conviction, shall be punished by a fine of not more than \$10,000.00 or by imprisonment for not more than two

years, or by both such fine and imprisonment. The authority granted in this section shall terminate June 30, 1942, unless the Congress shall otherwise provide."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid act of Congress, do hereby proclaim that upon the recommendation of the Administrator of Export Control I have determined that it is necessary in the interest of the national defense that on and after June 3, 1941, the following-described articles and materials shall not be exported except when authorized in each case by a license as provided for in Proclamation 2413<sup>1</sup> of July 2, 1940, entitled "Administration of section 6 of the Act entitled 'AN ACT To expedite the strengthening of the national defense' approved July 2, 1940":

1. Hyoscyamus (henbane)
2. Stramonium
3. Columbium
4. Tantalum
5. Cryolite
6. Fluorspar
7. Chemical wood pulps
8. Digitalis seeds

Item 9 of Proclamation 2468<sup>2</sup> of March 27, 1941, is superseded by item 7 of this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this 10th day of May, in the year of our Lord nineteen hundred and [SEAL] forty-one, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,  
Secretary of State.

[No. 2482]

[F. R. Doc. 41-3400; Filed, May 12, 1941; 10:30 a. m.]

### Rules, Regulations, Orders

#### TITLE 7—AGRICULTURE

#### CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q.—Q. 13]

#### PART 301—DOMESTIC QUARANTINE NOTICES

#### SUBPART—MEDITERRANEAN FRUITFLY AND MELONFLY QUARANTINE

#### Introductory Note

In regulation 8 of this quarantine, relating to the inspection of vessels, board-

<sup>1</sup> 5 F.R. 2467.

<sup>2</sup> 6 F.R. 1703.

ing and inspection of vessels arriving from Hawaii has heretofore been restricted to daylight hours, primarily because of limitations in inspection personnel. In order to expedite movement under existing emergency shipping conditions it is now considered desirable to modify this restriction, and the present revision permits boarding and inspection of vessels arriving from Hawaii during the night period, on condition that notice of the arrival of the vessel is given to the inspector far enough in advance to enable him to make the necessary arrangements for the inspection.

#### Order of the Secretary of Agriculture

Pursuant to the authority conferred upon the Secretary of Agriculture by section 8 of the Plant Quarantine Act of August 20, 1912, as amended, (7 U.S.C. 161), § 301.13-8 of the subpart, entitled "Mediterranean Fruitfly and Melonfly" of Part 301, Chapter III, Title 7, Code of Federal Regulations [B.E.P.Q.—Q. 13] is hereby revised, effective May 12, 1941, to read as follows:

§ 301.13-8 *Inspection of vessels.* Inspectors of the United States Department of Agriculture are authorized to enter upon ships or vessels from Hawaii at any time after they come within the territorial waters of any State, Territory, or District of the United States other than Hawaii, whether in the stream or at the dock, wharf, or mole, for the purpose of ascertaining by inspection whether any of the fruits or vegetables covered by the foregoing quarantine are contained in such ships or vessels as cargo or ships' stores, or whether there remains any infestation from such fruits or vegetables. All ships or vessels plying between Hawaii and any State, Territory, or District of the United States other than Hawaii, upon coming within the boundaries of any port within the United States other than Hawaii, must stop in the quarantine area of such port to permit boarding by inspectors of the United States Department of Agriculture for the purpose of making such inspection, and such ships or vessels must remain in the quarantine area until such inspection is completed. Such boarding shall be done only between the hours of sunrise and sunset, and any such ship or vessel arriving after sunset must remain at anchor in the quarantine area until boarded and released by an inspector of the United States Department of Agriculture the following morning: *Provided*, That boarding and inspection between the hours of sunset and sunrise may be done when notice in advance, giving the approximate hour of arrival and the number of passengers carried, if any, is furnished in time to permit satisfactory arrangements therefor by the inspector.

When such ship or vessel has been inspected in a manner satisfactory to the inspector making the inspection and is found to be apparently free from the articles enumerated in this quarantine,

such inspector shall immediately issue and deliver to the person having charge or possession of such ship or vessel a certificate evidencing such inspection, which shall permit such ship or vessel to proceed from the quarantine area to anchorage or to dock, wharf, or mole.

Done at Washington, D. C., this 10th day of May 1941.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 41-3411; Filed, May 12, 1941; 11:41 a. m.]

## CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Wheat 41-4]

### PART 728—WHEAT

#### PROCLAMATION PERTAINING TO A NATIONAL MARKETING QUOTA FOR THE MARKETING YEAR 1941-42

Whereas the Agricultural Adjustment Act of 1938, as amended, provides:

SEC. 335. (a) Whenever it shall appear that the total supply of wheat as of the beginning of any marketing year will exceed a normal year's domestic consumption and exports by more than 35 per centum, the Secretary [of Agriculture] shall, not later than the May 15 prior to the beginning of such marketing year, proclaim such fact and, during the marketing year beginning July 1 and continuing throughout such marketing year, a national marketing quota shall be in effect with respect to the marketing of wheat. \* \* \* Marketing quotas for any marketing year shall be in effect with respect to wheat harvested in the calendar year in which such marketing year begins notwithstanding that the wheat is marketed prior to the beginning of such marketing year. \* \* \*

Whereas said act contains, in section 301 (b), the following definitions of terms here pertinent:

"Carry-over" of wheat, for any marketing year shall be the quantity of wheat on hand in the United States at the beginning of such marketing year, not including any wheat which was produced in the United States during the calendar year then current, and not including any wheat held by the Federal Crop Insurance Corporation under Title V.

"Marketing year" means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

Wheat, July 1-June 30.

"Normal year's domestic consumption", in the case of \* \* \* wheat, shall be the yearly average quantity of the commodity, wherever produced, that was consumed [consumed] in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"Normal year's exports" in the case of \* \* \* wheat shall be the yearly average quantity of the commodity produced in the United States that was exported from the United States during the ten marketing years \* \* \* immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

"Total supply" of \* \* \* wheat for any marketing year shall be the carry-over of the commodity for such marketing year plus the estimated production of the commodity in the United States during the calendar year in which such marketing year begins.

And, Whereas said act provides, in section 301 (c), that

The latest available statistics of the Federal Government shall be used by the Secretary [of Agriculture] in making the determinations required to be made by the Secretary under this Act.

Now, therefore, be it known that I, Claude R. Wickard, Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of the authority vested in the Secretary of Agriculture by the Agricultural Adjustment Act of 1938, as amended, upon the basis of the latest available statistics of the Federal Government, do hereby find, determine, and proclaim under section 335 (a) of said Act that:

§ 728.205 *National marketing quota for wheat for the 1941-42 marketing year.* (a) The total supply of wheat for the marketing year beginning July 1, 1941, is 1,236 million bushels.

(b) A normal year's domestic consumption and exports of wheat is 755 million bushels.

(c) The total supply of wheat for the marketing year beginning July 1, 1941, will exceed a normal year's domestic consumption and exports by more than 35 per centum.

(d) A national marketing quota shall be in effect with respect to the marketing of wheat during the marketing year beginning July 1, 1941, and continuing throughout such marketing year. The marketing quota shall be in effect with respect to wheat harvested in the calendar year 1941 notwithstanding that the wheat is marketed prior to July 1, 1941. (Sec. 335 (a), 301 (c), 52 Stat. 54, 43; 7 U.S.C., Supp. 1335, 1301)

Done at Washington, D. C., this 9th day of May 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 41-3412; Filed, May 12, 1941; 11:41 a. m.]

## TITLE 10—ARMY: WAR DEPARTMENT

### CHAPTER VII—PERSONNEL

#### PART 71—ENLISTMENT IN THE REGULAR ARMY<sup>1</sup>

##### § 71.3 *Age*

\* \* \* \* \*

(2) *Between 18 and 21.*

\* \* \* \* \*

(ii) The parents or guardian will be required to include a statement of the

<sup>1</sup> § 71.3 (a) (2) (ii) is amended.

date of birth of the applicant in the document giving their consent to his enlistment. The consent will not include any written or oral qualifications relative to allotments of pay, special training, or service in any particular arm or service, or at a certain post or locality. (41 Stat. 765; 10 U.S.C. 42) [Par. 13, AR 600-750, Apr. 10, 1939, as amended by Cir. 84, W.D., Apr. 28, 1941]

[SEAL]

E. S. ADAMS,  
Major General,  
The Adjutant General.

[F. R. Doc. 41-3389; Filed, May 9, 1941;  
2:14 p. m.]

## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

### CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

#### PART 260—TRUST INDENTURE ACT OF 1939

##### RULE RELATING TO APPLICATIONS OF CERTAIN PERSONS DESIRING TO ACT AS TRUSTEES UNDER THE ACT

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Trust Indenture Act of 1939, particularly section 319 thereof, and finding such action appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the Act, hereby adopts the following rule:

§ 260.10b-3 *Applications relative to affiliations between trustees and underwriters.* (a) Any person proposing to act as trustee under indentures to be qualified under the Act may make application for a finding by the Commission as to whether such person is or is not an affiliate of any specified person who may be named as an underwriter for an obligor in any registration statement or application for qualification subsequently filed with the Commission.

(b) Every application pursuant to this section shall be filed in triplicate and shall contain a statement of the material facts necessary to enable the Commission to make the finding requested. The applicant may incorporate by reference in the application any information or documents contained in a statement of eligibility and qualification of the applicant filed with the Commission. The Commission may, with the consent of the applicant or at the applicant's request, make a part of the record the record in any prior proceeding in which the same issues were involved.

(c) A hearing will be held, after confirmed telegraphic notice to the applicant, upon every application filed pursuant to this section.

(d) Every finding by the Commission pursuant to this section shall be limited to the facts disclosed in the application

and in the hearing thereon, and shall be made solely for the purposes of sections 305 (b) (Sec. 305, 53 Stat. 1154; 15 U.S.C. 77eee) and 307 (c) (Sec. 307, 53 Stat. 1156; 15 U.S.C. 77ggg) of the Act. (Sec. 319, 53 Stat. 1173; 15 U.S.C. 77sss) [Rule T-10B-3, effective May 13, 1941.]

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-3404; Filed, May 12, 1941;  
11:24 a. m.]

## TITLE 19—CUSTOMS DUTIES

### CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50383]

#### PART 4—APPLICATION OF CUSTOMS LAWS TO AIR COMMERCE

WELLS FARMS AIRPORT AND WELLS ISLAND  
SEAPLANE BASE, WELLS ISLAND, NEW YORK,  
REDESIGNATED AS AIRPORTS OF ENTRY FOR  
A PERIOD OF ONE YEAR

MAY 8, 1941.

§ 4.13 *List of airports of entry designated for temporary periods.*

The Wells Farms Airport and the Wells Island Seaplane Base (formerly known as Wellesley Farms Airport and Wellesley Island Seaplane Base), Wells Island, New York, are hereby redesignated as airports of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), for a period of one year from May 1, 1941. (Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177 (b))

[SEAL]

HERBERT E. GASTON,  
Acting Secretary of the Treasury.

[F. R. Doc. 41-3397; Filed, May 10, 1941;  
11:42 a. m.]

## COFFEE QUOTA

DECLARATION OF THE SECRETARY OF THE  
TREASURY ALLOCATING THE COFFEE QUOTA  
OF COUNTRIES NOT SIGNATORIES OF THE  
INTER-AMERICAN COFFEE AGREEMENT

MAY 9, 1941.

Acting pursuant to paragraph 1 (b) of the President's Executive Order of April 21, 1941 (No. 8738),<sup>1</sup> allocating according to types the coffee quota provided by the Inter-American Coffee Agreement for countries not signatories thereto, I have determined and hereby declare and make public that the number of bags of coffee (of 60 kilograms net or equivalent quantities) produced in non-signatory countries and entered for consumption in the United States during the period from

<sup>1</sup> 6 F.R. 2047.

October 1, 1940, to April 21, 1941, both dates inclusive, was 318,970 bags.

The Inter-American Coffee Agreement limits to 355,000 bags (of 60 kilograms net or equivalent quantities) the total quantity of coffee, produced in countries not signatories thereof, which may be entered for consumption in the United States during the period from October 1, 1940, to September 30, 1941. The Executive Order limits entries for consumption between April 22, 1941, and August 31, 1941, of coffee of species other than Arabica, produced in non-signatory countries, to the number of bags calculated by deducting from 315,000 the number of bags of such coffee entered for consumption between October 1, 1940, and April 22, 1941. To Arabica coffee produced in non-signatory countries the Executive Order allocated a maximum quantity of 40,000 bags for entry for consumption between April 22, 1941, and August 31, 1941.

Accordingly, the total quantity of coffee, produced in non-signatory countries, eligible for entry for consumption during the period from April 22, 1941, to August 31, 1941, pursuant to the Executive Order is limited as follows:

Type:	Quantity
1. Species other than Arabica.....	None.
2. Arabica (Mocha and other Arabica).....	36,030 bags.

The quota of 36,030 bags of Arabica coffee is 3,970 bags less than the maximum prescribed by the Executive Order. Of such 36,030 bags, not more than 20,000 bags of either Mocha or other Arabica, the maximum for each type established by the Executive Order, may be entered for consumption in the United States during the period from April 22, 1941, to August 31, 1941, inclusive.

HERBERT E. GASTON,  
Acting Secretary of the Treasury.

[F. R. Doc. 41-3413; Filed, May 12, 1941;  
11:42 a. m.]

## TITLE 24—HOUSING CREDIT

### CHAPTER I—FEDERAL HOME LOAN BANK BOARD

#### PART 2—ORGANIZATION OF THE BANKS

##### AMENDMENT RELATING TO THE ELECTION OF DIRECTORS

Be it resolved, That, effective May 9, 1941, § 2.4 (a) of the Rules and Regulations for the Federal Home Loan Bank System is amended by adding at the end of paragraph (7) thereof the following sentence:

§ 2.4 *Directors*—(a) *Appointment and election.*

(7) \* \* \* The election ballots forwarded to each member shall be accompanied by a brief biography of each candidate listed on said ballots. (Sec. 7 (c),

(d), (e) of F.H.L.B.A., 47 Stat. 730, as amended by sec. 3, 49 Stat. 294; 12 U.S.C. 1427 (c), (d), (e); sec. 17 of F.H.L.B.A., 47 Stat. 736; 12 U.S.C. 1437)

Be it further resolved, That this amendment is deemed to be of a minor or procedural character within the provisions § 8.3 (b) of the Rules and Regulations for the Federal Home Loan Bank System.

Adopted by the Federal Home Loan Bank Board on May 7, 1941.

[SEAL] J. FRANCIS MOORE,  
Secretary.

[F. R. Doc. 41-3392; Filed, May 9, 1941;  
3:23 p. m.]

# TITLE 26—INTERNAL REVENUE CHAPTER I—BUREAU OF INTERNAL REVENUE

[T. D. 5046]

WITHHOLDING UNDER SECTIONS 143 AND 144  
OF THE INTERNAL REVENUE CODE, AS  
AMENDED BY THE REVENUE ACT OF 1940;  
REGULATIONS 103 AMENDED; TREASURY  
DECISION 4883 REVOKED

PART 19—INCOME TAX UNDER THE INTERNAL  
REVENUE CODE

The Canadian Government has advised the Government of the United States that, effective April 30, 1941, the rate of 5 percent income tax theretofore imposed upon income derived from sources within Canada by nonresidents thereof, including United States residents, has been increased to 15 percent and that the Government of the United States as of such date is released from the obligations of the Reciprocal Tax Convention between the United States and Canada which was ratified August 13, 1937. In conformity thereto, Regulations 103<sup>1</sup> [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] are amended as follows:

Section 19.143-1, *Withholding tax at source*, as amended by Treasury Decision 4979,<sup>2</sup> approved July 1, 1940, is further amended as follows:

By adding immediately preceding the last sentence of the first paragraph thereof the following: "Such reduced rate is, however, not applicable to income paid on or after April 30, 1941."

By inserting in paragraph (c) after "Canada" the words "prior to April 30, 1941."

Section 19.143-7, *Return and payment of tax withheld*, as amended by Treasury Decision 4979, is further amended by striking out the third sentence of the

<sup>1</sup> 5 F.R. 348, 437, 569.

<sup>2</sup> 5 F.R. 2481.

second paragraph thereof and substituting therefor the following sentence:

"Every United States withholding agent shall make and file with the collector, in duplicate, an information return on Form 1042B, for the calendar year 1939, the calendar year 1940 and for the period January 1, 1941 to April 29, 1941, both dates inclusive, in addition to the withholding return on Form 1042 with respect to the items of income from which a tax of only 5 percent was withheld from Canadian addressees."

Section 19.144-1, *Withholding in the case of nonresident foreign corporations*, as amended by Treasury Decision 4979, is further amended

By inserting in the third paragraph thereof after "(See paragraph 106 of the Appendix to these Regulations.)"1, "On or after April 30, 1941, no such treaty is in effect."

By striking out the last paragraph thereof and substituting therefor the following paragraph:

"With respect to income paid on or after June 26, 1940, and prior to January 1, 1945, the rate of withholding (except with respect to dividends paid prior to April 30, 1941 to corporations organized under the laws of Canada and dividends paid to corporations or other entities created or organized under the laws of Sweden) is 16½ percent instead of 15 percent."

Section 19.144-2, *Aids to withholding agents in determining liability for withholding of tax*, as amended by Treasury Decision 4979, is further amended

By striking out Footnote 2 in the second table appearing therein and substituting therefor:

"In the case of dividends paid to a corporation organized under the laws of Canada, the rate is 5 percent with respect to dividends paid prior to April 30, 1941."

By adding below Footnote 4 in the second table appearing therein the following:

NOTE: The rate of 5 percent appearing in line 5 is applicable only with respect to income paid prior to April 30, 1941. Income paid on or after such date is subject to withholding at the rate of 16½ percent.

Section 19.262-4, *Withholding by a China Trade Act corporation*, as amended by Treasury Decision 4979, is further amended by striking out the last paragraph thereof and substituting therefor the following paragraph:

"With respect to income paid on or after June 26, 1940, and prior to January 1, 1945, the rate of withholding (except with respect to dividends paid prior to April 30, 1941 to residents of, or corporations organized under the laws of,

Canada or dividends paid to residents of, or to corporations or other entities created or organized under the laws of, Sweden) is 16½ percent instead of 15 percent."

By virtue of the amendments made by this Treasury decision, fixed or determinable annual or periodical income paid on or after April 30, 1941 to nonresident alien individuals, residents of Canada, or to corporations organized under the laws of Canada is subject to the rates of withholding at the source applicable generally to nonresident aliens and foreign corporations. See § 19.144-2, Regulations 103, as amended by Treasury Decision 4979, approved July 1, 1940.

PART 14—TAXATION OF NONRESIDENT ALIEN  
INDIVIDUALS AND FOREIGN CORPORATIONS  
NOT ENGAGED IN TRADE OR BUSINESS  
WITHIN THE UNITED STATES AND NOT HAVING  
AN OFFICE OR PLACE OF BUSINESS  
THEREIN AS AFFECTED BY THE RECIPROCAL  
TAX CONVENTION BETWEEN THE UNITED  
STATES AND CANADA, EFFECTIVE JANUARY  
1, 1936

In the case of income paid subsequent to April 29, 1941, and prior to May 15, 1941, the withholding of the tax in the case of nonresident alien individuals, residents of Canada, or corporations organized under the laws of Canada at the rates applicable under Regulations 103 prior to their amendment by this Treasury decision shall be considered as sufficient compliance with the provisions of law and regulations relating to withholding of the tax at the source.

Treasury Decision 4883,<sup>1</sup> approved January 16, 1939 [Part 14, Title 26, Code of Federal Regulations, 1939 Sup.], and that Treasury decision as made applicable to the Internal Revenue Code by Treasury Decision 4885,<sup>2</sup> approved February 11, 1939 [Part 465, Subpart B, of such Title 26, 1939 Sup.] are revoked effective April 30, 1941, insofar as concerns income paid on or after such latter date to persons whose addresses are in Canada.

(This Treasury decision is issued under the authority contained in section 62 of the Internal Revenue Code, 53 Stat. 32 (26 U.S.C., Sup. V, 62) and the Reciprocal Tax Convention between the United States and Canada, 50 Stat. 1399.)

[SEAL] GUY T. HELVERING,  
Commissioner of Internal Revenue.

Approved May 8, 1941.

JOHN L. SULLIVAN,  
Acting Secretary of the Treasury.

[F. R. Doc. 41-3386; Filed, May 9, 1941;  
2:00 p. m.]

<sup>1</sup> 4 F.R. 274.

<sup>2</sup> 4 F.R. 879.

# TITLE 30—MINERAL RESOURCES CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-785]

## PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 1 FILED UNDER SECTION 4 II (d), REQUESTING PRELIMINARY AND PERMANENT ORDER ESTABLISHING MINIMUM PRICES FOR RAIL SHIPMENTS AND FOR ADDITIONAL SIZE GROUPS FOR CERTAIN MINES IN DISTRICT NO. 1

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the Bituminous Coal Producers Board for District No. 1 wherein the petitioner requests the establishment of price classifications and minimum prices for the coals of certain mines in said district not heretofore classified and priced and the granting of temporary relief pending the final disposition of the subject matter; and

It appearing that due notice of the filing of said petition was given to all persons interested in said matter and

that no opposition has appeared in the premises and the Director having duly considered said petition and the subject matter thereof;

Now, therefore, it is hereby ordered, That, a reasonable showing of the necessity therefor having been made, pending final disposition of the subject matter of said petition, temporary relief be, and it is hereby, granted as follows: Commencing forthwith § 321.7 (Alphabetical list of code members) is amended by adding thereto the supplement dated April 25, 1941, which is hereinafter set forth.

It is further ordered, That applications to stay, terminate, or modify the foregoing temporary relief, or pleadings in opposition to the final relief requested in said petition, may be filed within forty-five (45) days from date hereof, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to section 4 II (d) of the Act; and

It is further ordered, That the relief hereinabove granted shall become permanent sixty (60) days from the date hereof unless the Director shall otherwise order.

Dated, April 25, 1941.

[SEAL]

H. A. GRAY,  
Director.

## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in this Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321 Minimum Price Schedule for District No. 1 and Supplements thereto.

### FOR ALL SHIPMENTS EXCEPT TRUCK

#### § 321.7 Alphabetical list of code members

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Freight origin! group No.	1	2	3	4	5
1001	Adams, F. J.	Adams	4	E	119	G	G	G	H	H
2838	Foster, Ira	Foster	11	E	119	G	G	G	G	H
583	Freebrook Corporation	McWilliams	11	E	119	G	G	(*)	G	H
554	Freebrook Corporation	Freebrook #7	11	B	119	H	H	(*)	J	J
1491	Henderson, Loyal T.	Loyal T. Henderson	10	E	119	H	H	H	J	J
2566	Himes, E. E.	Himes	11	E	119	G	G	G	G	H
1537	Houser, O. E.	Houser	4	B	119	G	G	G	H	H
353	James Coal Mining Company	Orpha	10	B	119	H	H	(*)	J	J
2533	Miller, C. F., Fred & Warren (C. F. Miller)	Miller Coal Co.	4	D	119	G	G	G	H	H
326	Mohawk Mining Company	Mohawk	10	B	119	H	H	(*)	J	J
1793	Moore & Son, Ernest	Moore	4	B	119	G	G	G	H	H
1887	Pence Coal Co. (E. H. Pence)	Pence Coal Co.	4	B	75	G	G	(*)	H	H
1910	Priester, John & Charles	Priester	11	E	119	G	G	G	G	H
1921	Radaker, C. C.	Radaker	10	E	119	H	H	H	J	J
1930	Rearick, Scott L.	Rearick	11	E	119	G	G	G	G	H
1303	Reddinger, Charles & Terry (Terry Reddinger)	Doverspike	11	E	119	G	G	G	G	H
2599	Shick, C. O.	Shick	4	E	75	G	G	(*)	H	H
2160	Traister & Son, Geo. W. (George E. Traister)	Mill Rose	4	B	119	G	G	G	H	H
703	Wadding Brothers	Wadding Bros	11	E	119	G	G	(*)	G	H

\*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 41-3358; Filed, May 9, 1941; 11:17 a. m.]

[Docket No. A-789]

## PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3 NOT HERETOFORE CLASSIFIED AND PRICED

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the Bituminous Coal Producers Board for District No. 3 wherein the petitioner requests the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3 not heretofore classified and priced, and the granting of temporary relief pending the final disposition of the subject matter; and

It appearing that due notice of the filing of the petition was given to all persons interested in this matter and that no opposition has appeared in the premises and the Director having duly considered the petition and the subject matter thereof;

Now, therefore, it is ordered, That pending final disposition of the above matter temporary relief is granted as follows: Commencing forthwith § 323.6 (Alphabetical list of code members) is amended by adding thereto Supplement A, § 323.8 (Special prices)—(b) Railroad fuel prices for all movements except via lakes) is amended by adding thereto Supplement B, § 323.8 (Special prices)—(c) Railroad fuel prices for movement via all lakes—all ports) is amended by adding thereto Supplement C and § 323.23 (General prices) is amended by adding thereto Supplement D, which supplements dated April 24, 1941, are hereinafter set forth.

It is further ordered, That applications to stay, terminate or modify the foregoing temporary relief, or pleadings in opposition to the final relief requested in the petition, may be filed within forty-five (45) days from date hereof, pursuant to the Rules and Regulations Governing Practice and Procedure before the Division in Proceedings Instituted Pursuant to section 4 II (d) of the Act; and

It is further ordered, That the relief hereinabove granted shall become permanent sixty (60) days from the date hereof unless the Director shall otherwise order.

Dated, April 24, 1941.

[SEAL]

H. A. GRAY,  
Director.



**§ 324.11 Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel—Supplement E**

RAILROAD FUEL PRICES FOR ALL MOVEMENTS EXCLUSIVE OF LAKE CARGO RAILROAD FUEL FROM MINES INDEXED BELOW

For shipment to railroads as shown—See Schedule of Effective Minimum Prices, § 324.11 (a).

Name of railroad	Mine index Nos.	Additional mine index number
Baltimore & Ohio Railroad Co.	10, 21, 30, 33, 39, 49, 58, 71, 72, 78, 81, 85, 87, 95, 96, 103, 104, 106, 110, 121, 124, 128, 134, 136, 144, 146, 147, 151, 155, 157, 160, 162.	Add Mine Index No. 513.
Pennsylvania Railroad Co.	8, 25, 133, 153, 161.	Add Mine Index No. 2812.
	11, 26, 31, 42, 43, 49, 50, 55, 56, 57, 62, 65, 67, 69, 81, 94, 111, 114, 115, 132, 152, 152, 165, 169.	Add Mine Index Nos. 624, 1874.
Akron, Canton & Youngstown Railway Co.		
Ann Arbor Railroad Co.		
Canadian National Railways and Grand Trunk Railway System.		
Canadian Pacific Railway Co.		
Detroit and Mackinac Railway Company.		
Detroit & Toledo Shore Line Railroad Co.		
Erie Railroad.		
Nickel Plate Road (New York Chicago & St. Louis Railroad Co.)		
Pere Marquette Railway Co.		
For all Railroads not shown above.		

Prices as shown in § 324.11 (a) of the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

**FOR TRUCK SHIPMENTS**

**§ 324.24 General prices in cents per net ton for shipments into all market areas—Supplement F**

Code member index	Mine	Mine index No.	Base sizes
			6' lump 3'-4'-6' lump 2' lump 2' x 4' egg 1 1/2' lump 1 1/2' x 4' egg Mine run, nut & pea 2' x 0 slack 3/4' x 0 slack
SUB-DISTRICT No. 2—CAMBRIDGE Guernsey County	Knowles.	2540	9 270 260 245 220 220 220 200 190
St. Clair, C. C.			
Noble County	Fogle Saling & Sons, John (John Saling)	2797 2805	8 270 260 245 220 220 220 200 190
SUB-DISTRICT No. 4—MIDDLE Columbiana County	Morris. Huff Padurean, V. J.	2815 2804 2817	6 300 290 275 250 245 245 205 195

**§ 324.8 Numerical list of mines—Supplement B**

Mine index No.	Mine name	Code member	Freight origin districts	Freight origin group Nos.	Railroad	Sub-district No.
513	Cenkus.	Cenkus, Mike.	Ohio No. 8.	12	B. & O.	1
624	Bernice.	Doff Co. Co., The.	Ohio No. 8.	15	P. R. R.	1
1874	Plainfield.	Plainfield Coal Co. (E. L. Scott).	Middle.	54	P. R. R.	4
2812	Spillman.	Spillman, John M.	Crooksville.	31	B. & O.	6

**§ 324.2 Seasonal discounts—Supplement C**

On all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except Market Areas 1 to 13, inclusive, 98 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel.

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index numbers	Additional mine index numbers	Amount of discount for shipments during month of—
					April May June July Aug.
Ohio No. 8.	9, 10, 11, 12, 14, 15, 17, 18, 19.		10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 118, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	Add Mine Index Nos. 513, 624.	30 20 10
Crooksville.	31, 32.		8, 97.	Add Mine Index No. 2812.	30 20 10
Middle.	53, 54, 57.		49, 50, 67, 94, 132.	Add Mine Index No. 1874.	30 20 10

Seasonal discounts as shown in § 324.2 of the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

**§ 324.10 General prices—Supplement D**

PRICES FOR ALL-RAIL SHIPMENT FROM MINES INDEXED BELOW INTO MARKET AREAS AS SHOWN

For shipment into all market areas—See Schedule of Effective Minimum Prices, §§ 324.9 and 324.10. Also applied to Market Areas 98 and 99 (Great Lakes), § 324.11 (b), and Vessel Fuel, § 324.11 (d).

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index numbers	Additional mine index Nos.
Ohio No. 8.	9, 10, 11, 12, 14, 15, 17, 18, 19.		10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167, 8, 97.	Add Mine Index Nos. 513, 624.
Crooksville.	31, 32.		49, 50, 67, 94, 132.	Add Mine Index No. 2812.
Middle.	53, 54, 57.			Add Mine Index No. 1874.

Prices as shown in §§ 324.9, 324.10, 324.11 (b) and 324.11 (d) of the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.24 General prices in cents per net ton for shipments into all market areas—  
Supplement F—Continued

Code member index	Mine	Mine index No.	Base sizes					
			6" lump	3-4-5" lump	2" lump	1 1/4" x 4" egg	1 1/4" lump	Mine run, nut & pea
			1	2	3	4	5	6
								7
								8
Sub-DISTRICT No. 41—MIDDLE—Con.								
Holmes County								
Troyer Brothers (Freeman Troyer)	Troyer	2813	6 275	265	250	235	235	220
Macon County								
Beaver Creek Coal Co.	South Avenue	2803	7 300	290	275	250	245	235
Tuscarawas County								
Phillips, R. L.	Phillips #1	2920	6 275	265	250	235	235	220
Sub-DISTRICT No. 5—HOCKING								
Perry County								
Maxwell, Daise	Maxwell	2799	6 280	270	260	235	230	195
Sub-DISTRICT No. 6—CROOKSVILLE								
Morgan County								
North, Melvin & Harold (Melvin North)	Gilbert	2814	8 280	270	260	235	230	195
Muskingum County								
Emery & Hamble	Luby	2338	6 280	270	260	235	230	195
Hampp, E. F.	Hampp	2808	6 280	270	260	235	230	195
Spillman, John M.	Spillman	2812	7 280	270	260	235	230	195
Perry County								
Oliver, Spencer	Oliver	2809	5 280	270	260	235	230	195
Sub-DISTRICT No. 7—JACKSON								
Lawrence County								
Butler, Forrest	Block	2802	3 285	285	275	250	245	195
Sub-DISTRICT No. 8—POMEROY								
Gallia County								
Scott, Bert	Scott Mine	2808	8 295	285	275	250	245	195
Meigs County								
Workman, George G.	Workman	2921	8 295	285	275	250	245	195

[F. R. Doc. 41-3360; Filed, May 9, 1941; 11:17 a. m.]

No. 93—2

[Docket No. A-779]

PART 327—MINIMUM PRICE SCHEDULE,  
DISTRICT No. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED IN DISTRICT NO. 7 FOR WHICH PRICE CLASSIFICATIONS AND MINIMUM PRICES HAVE NOT HERETOFORE BEEN ESTABLISHED

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 7 not heretofore classified and priced, and the granting of temporary relief pending the final disposition of the above-entitled matter; and

It appearing that due notice of the filing of the said petition was given to all interested persons in the above-entitled matter and that no opposition has appeared in the premises, and the Director, having duly considered the said petition and the subject matter thereof;

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in this Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and Supplements thereto.

## § 327.11 Low volatile coals: alphabetical list of code members—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size group for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-dist. No.	Low volatile seam	Freight origin group No.	Price classifications by size group Nos.									
						1	2	3	4	5	6	7	8	9	10
586	Belcher, R. L. (Wanda Lee Coal Co.)	Wanda Lee	4	Sewell	30	B						B	B	B	
580	Harml Smokeless Coal Company (Billy C. Miles)	Harml	5	Sewell	14								B	B	

Blanks indicates no classifications effective for these size groups.

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 327.11 (Low volatile coals: Alphabetical list of code members) is amended by adding thereto Supplement R, and § 327.34 (General prices in cents per net ton for shipment into any market area) is amended by adding thereto Supplement T, which supplements dated April 25, 1941, are hereinafter set forth.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That this Order and the relief herein granted shall become final sixty (60) days from the date hereof unless the Director shall otherwise order.

Dated, April 25, 1941.

[SEAL]

H. A. GRAY,  
Director.

6 F.R. 1864 (April 10, 1941), be and it hereby is revised as follows: Commencing forthwith, the prices established in said Order for the Possum Hollow Mine, Mine Index No. 892, of the Midway Mining Co. (Paul Rideout) shall be deleted, and in lieu thereof, pending final disposition of the original petition in the above-entitled matter, § 329.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto the supplement dated April 23, 1941, which is hereinafter set forth.

*It is further ordered*, That applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

*It is further ordered*, That the relief herein granted shall become final sixty (60) days from the date of this Order unless the Director shall otherwise order.

Dated, April 23, 1941.

[SEAL] H. A. GRAY,  
Director.

questing the establishment of price classifications and minimum prices for the coals of certain mines in District No. 9 not theretofore classified and prices, including the Possum Hollow Mine, Mine Index No. 892, of the Midway Mining Co. (Paul Rideout); and

Temporary and conditionally final relief having been granted by the Director's Order in the above-entitled matter, dated March 25, 1941, in the manner set forth in the schedule marked "Supplement", annexed to said Order and made a part thereof; and

It appearing that the original petitioner erred in proposing prices for the Possum Hollow Mine, Mine Index No. 892, of the Midway Mining Co. (Paul Rideout), and original petitioner having requested that said error be remedied by an Order of the Director revising the temporary and conditionally final relief granted in the aforesaid Order; and

It appearing that a reasonable showing of necessity has been made for the granting of the aforesaid request of the original petitioner;

*It is ordered*, That the temporary and conditionally final relief granted by the Director's Order, dated March 25, 1941,

#### TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in this "Supplement" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and Supplements thereto.

#### FOR TRUCK SHIPMENTS

#### § 329.24 General prices in cents per net ton for shipment into all market areas

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.															
				1, 2	3	4	5	6	7	8	9	10, 11, 12	13, 14	15	17	18, 19, 20	21, 22, 23, 24	25	26, 27, 28
Midway Mining Co. (Paul Rideout).....	892	Possum Hollow.....	6	205	195	185	175	170	160	160	150	140	110	50	.....	.....	.....	.....	120 115

(F. R. Doc. 41-3369; Filed, May 9, 1941; 11:20 a. m.)

#### TRUCK SHIPMENTS

#### § 327.34 General prices in cents per net ton for shipment into any market areas—

#### Supplement T

Code member index	Mine	Mine Index No.	County	Seam	All lump 1/4" or larger, all egg & stove	All nut or pea 1/4" top size or smaller	Screamed M/R	Straight mine run	1 1/4" screenings	3/4" screenings
Belcher, R. L. (Wanda Lee Coal Co.)	Wanda Lee	586	McDowell	Sewell	315	250	280	215	195	190

[F. R. Doc. 41-3361; Filed, May 9, 1941; 11:18 a. m.]

[Docket No. A-740]

#### PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER REVISING TEMPORARY AND CONDITIONALLY FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS

AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 9 NOT HERETOFORE CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, re-

[Docket No. A-788]

PART 330—MINIMUM PRICE SCHEDULES,  
DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED FOR TRUCK SHIPMENTS BY CERTAIN PRODUCERS IN DISTRICT NO. 10, WHICH COALS HAVE NOT HERETOFORE BEEN SO CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act

of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for coals produced for truck shipments by certain producers in District No. 10, which coals have not heretofore been so classified and priced; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith \$ 330.25 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto the supplement dated April 24, 1941, which is hereinafter set forth.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate, or modify the

temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated, April 24, 1941.

[SEAL]

H. A. GRAY,

Director.

## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this "Supplement" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and Supplements thereto.

## FOR TRUCK SHIPMENTS

## \$ 330.25 General prices in cents per net ton for shipment into all market areas—Supplement

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																													
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	
SECTION No. 2 La Salle County																																	
Streator Coal Company (Robert Davidson).....	1453	Streator Coal Co.....	6	325	320	315	305	300	295	240	235	205	200	200	200	170	160	105															
Mutton, Frank R.....	1454	Mutton.....	7	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60															
SECTION No. 5 Greene County																																	
Arley, Raymond.....	1451	Brick Creek.....	2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60															
SECTION No. 7 Vermilion County																																	
ones Coal Co. (David J. Jones).....	1452	Jones Coal Co.....	7	240	235	230	220	215	210	170	165	160	155	155	155	125	115	60															
SECTION No. 10 Williamson County																																	
Wade, Walter.....	1448	Walter Wade.....	5	215	215	215	200	195	190	180	160	150	150	150	150	130	130	65															

[F. R. Doc. 41-3362, Filed, May 9, 1941; 11:18 a. m.]

[Docket No. A-791]

## PART 331—MINIMUM PRICE SCHEDULE,

## DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED FOR TRUCK SHIPMENTS BY CERTAIN PRODUCERS IN DISTRICT NO. 11, WHICH COALS HAVE NOT HERETOFORE BEEN SO CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act

of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for coals produced for truck shipments by certain producers in District No. 11, which coals have not heretofore been so classified and priced; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matter; and

## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this "Supplement" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and Supplements thereto.

## FOR TRUCK SHIPMENTS

## § 331.24 General prices in cents per net ton for shipment into all market areas—Supplement

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																															
				1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28	29	30	31	32	33	34		
Clay County	Emmert & Son, Charles	1278 Emmert Rib	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50																		
Martin County	Parsley & Harris (Leo Parsley)	1276 Parsley & Harris	SB	310	285	265	255	250	245	215	215	195	185	155	145	80	50																		
Spencer County	Harris, Earl E. & Son (Earl E. Harris)	1280 Harris & Son	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55																		
Warrick County	Helms & Toole (Jas. R. Helms)	1277 Helms & Toole	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55																		

[F. R. Doc. 41-3363; Filed, May 9, 1941; 11:18 a. m.]

tions to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order,

pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated, April 24, 1941.

[SEAL]

H. A. GRAY,  
Director.

[Docket No. A-79]

PART 332—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 12

ORDER OF THE DIRECTOR GRANTING FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 12, CONCERNING MINIMUM PRICES FOR CERTAIN CODE MEMBERS IN DISTRICT NO. 12 ON SHIPMENTS OF RAILROAD LOCOMOTIVE FUEL TO CERTAIN RAILROADS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with the Bituminous Coal Division on October 4, 1940, by District Board 12, seeking revision of the absorptions heretofore permitted certain code members in shipping off-line coal to specified railroads for railroad fuel use and requesting permission for certain off-line producers to make absorptions on sales of coal for railroad fuel use; and

Temporary relief pending final disposition of this proceeding having been granted by Order of the Director, dated October 25, 1940, to the extent therein stated; and

A hearing having been held, before a duly designated Examiner of the Division at a hearing room thereof, Fort Des Moines Hotel, Des Moines, Iowa, on De-

cember 5, 1940, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard; and

The parties to this proceeding having waived the preparation and filing of a report by the Examiner, and the matter thereupon having been submitted to the Director; and

The Director having made Findings of Fact and Conclusions of Law in this matter:<sup>1</sup>

It is ordered, That the temporary relief heretofore granted in the Memorandum Opinion and Order of the Director, dated October 25, 1940—5 F.R. 4275 (October 29, 1940), be, and it is hereby, made permanent, and notes 1 and 2 of § 332.5 (*Special prices: Railroad locomotive fuel*) are amended to reflect the changes therein set forth.

It is further ordered, That § 332.5 (*Special prices: Railroad locomotive fuel*) is amended by adding thereto the supplement dated April 24, 1941, which supplement is hereinafter set forth.

Dated, April 24, 1941.

[SEAL]

H. A. GRAY,  
Director.

<sup>1</sup> Not filed as part of the original document.

## SUPPLEMENT I

NOTE: The material contained in this "Supplement" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 332, Minimum Price Schedule for District No. 12 and Supplements thereto.

§ 332.5 *Special prices: Railroad locomotive fuel*—Supplement

[Railroad locomotive fuel prices f. o. b. mines, in cents per net ton of 2,000 pounds]

Railroads	For all railroads not specifically shown herein			C. B. & Q. R. R.		C. M. St. P. & P. R. R.		C. R. I. & P. R. R.		M. & St. L. W. R. R.		C. G. W. R. R.		C. & N. W. R. R.		Wab. R. R.	
	265	270	350	265	350	265	350	265	265	350	350	350	350	350	350	270	
Prices apply to all sizes.....																	
Mine Index Nos.....	6 554 721			6 721		554		51	17 29 30 63 64 721	33						17 29 30 63 64	

<sup>1</sup> C. R. I. & P. R. R. Mine (index No. 51) may absorb from the f. o. b. mine price shown for rail shipment to the C. R. I. & P. R. R. \$3.47 per car, the originating service rendered by the C. B. & Q. R. R.

<sup>2</sup> C. G. W. R. R. Mine (index No. 33) may absorb from the f. o. b. mine price shown for rail shipment to C. G. W. R. R. an amount equal but not in excess of the actual amount allowed for the originating service rendered by the M. & St. L. R. R., but not to exceed 68¢.

<sup>3</sup> Wabash R. R. Mines (index Nos. 17, 29, 30, 63, and 64) may absorb from the f. o. b. mine price shown for rail shipment to Wabash R. R. 27.2 cents per ton.

[F. R. Doc. 41-3368; Filed, May 9, 1941; 11:20 a. m.]

[Docket No. A-794]

PART 332—MINIMUM PRICE SCHEDULE  
DISTRICT NO. 12

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 12 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE

COALS OF CERTAIN MINES IN DISTRICT NO.  
12 NOT HERETOFORE CLASSIFIED AND  
PRICED

The original petition in the above-entitled matter, filed with this Division on April 7, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the issuance of orders establishing temporary and permanent price classi-

fications and minimum prices for the coals of certain mines in District No. 12 whose coals have not heretofore been classified and priced.

The Director finds that reasonable showing of necessity has been made for the granting of the temporary relief requested, except in the case of Mine Index 718.

Order No. 303, dated September 26, 1940, provides that the Division shall in all appropriate 4 II (d) proceedings instituted pursuant thereto, establish effective temporary minimum prices for said coal in terms of the symbols of and in conformity with the effective minimum prices for analogous and comparable coals established by the Director in General Docket No. 15. It appears from the petition that the minimum prices prayed for on behalf of Mine Index 718 (Tillotson Coal Company, Ted Tillotson), in Size Groups 1, 2, 3, 4, 8 and 9 are five cents lower than those established for other mines in Production Group 9. No facts were alleged, however, as a basis for thus differentiating Mine Index 718. In these circumstances, in order to comply with Order No. 303 it appears that temporary prices for Mine Index 718, Tillotson Coal Company, in Size Groups 1, 2, 3, 4, 8 and 9 should be 5 cents higher than those prayed for by the original petitioner in the above-entitled matter. In the event that the original petitioner believes that there is a valid basis for according different treatment to Mine Index 718, it may apply for modification of the relief herein granted, in the manner hereinafter provided.

No petitions of intervention having been filed with this Division in the above-entitled matter, and the Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above entitled matter, temporary relief be and the same hereby is granted as follows: Commencing forthwith § 332.2 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 332.4, (*General prices*) is amended by adding thereto Supplement R-II and § 332.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements dated April 30, 1941, are hereinafter set forth.

It is further ordered, That pleadings in opposition to the original petition in the above entitled matter and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the

Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty

(60) days from the date of this Order, unless the Director shall otherwise order. Dated: April 30, 1941.

[SEAL]

H. A. GRAY,  
Director.

#### TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 12

NOTE: The material contained in these Supplements is to be read in the light of the Classifications, prices, instructions, exceptions and other provisions contained in Part 332, Minimum Price Schedule for District No. 12 and Supplements thereto.

#### FOR ALL SHIPMENTS EXCEPT TRUCK

#### § 332.2 Alphabetical list of code members—Supplement R-I

[Listing of code members, mines, mine index numbers and mine origin groups (for delivery by railroad)]

Mine index No.	Code member	Mine	Mine origin group	Mine origin group No.
316	Carter, C. T., (Carter Coal Co.)	*Carter	Mystic	16
428	Elm Coal Co. (Lester C. King)	*Elm Coal Co.	Promise City	58
448	Eshelman, Amos	*Sawhill	Clarinda	59
724	Hogate Coal Co. (R. L. Hogate)	*Hogate	Tracy	22
726	Hubbatt, G. F.	*Hubbatt's	Bloomfield	60
650	Johnson Bros. Coal Co. (Ernest Johnson)	*Johnson Bros. Coal Co.	Lovilla	40
679	McCoy, Dale	*McCoy Coal	Harvey, Flagler, Knoxville	57
725	Melcher Fuel Co. (Robt. Cunion)	*Melcher Fuel Co.	Melcher	48
669	O'Donnell, Wm. R. (New Minks Coal Co.)	*New Minks	Cincinnati	61
422	Orndorff, Joe (Klondyke Coal Co.)	*Klondyke	Ottumwa	43
737	Riggen, Chas. A. (Riggen Coal Co.)	*Riggen Coal Co. No. 2	Harvey	37
718	Tillotson Coal Co. (Tillotson, Ted)	*Tillotson	Ottumwa	43

\*Indicates mines shipping via public sidings and ramps for railway delivery.

#### § 332.4 General prices—Supplement R-II

[Effective minimum prices of coal in the following size groups for delivery to Dayman, Iowa, market area 53 (for delivery by railroad)]

Mine origin group	Size groups	Mine price	Base rate	Delivered price
5	1	2.85	1.41	4.26
5	2	2.75	1.41	4.16
5	3	2.65	1.41	4.06
5	4	2.60	1.41	4.01
5	5	2.85	1.41	4.26
5	6	2.75	1.28	4.03
5	7	2.75	1.28	4.03
7	8	2.00	1.00	3.00
7	9	2.55	1.00	3.55
7	10	1.00	1.00	2.00

#### TRUCK SHIPMENTS

#### § 332.24 General prices in cents per net ton for shipment into all Market Areas—Supplement T

Code member index	Mine No.	Group No.	County	Chunk	Standard lump	Egg 8 x 2", 6 x 2"	Small egg 4 x 2", 3 x 1 1/2"	Mine run	Nut 2 x 1 1/4"	Dom. stoker, 1 1/4"	Screenings 2", 1 1/2"	Ind. stoker, Cr. 2", 1 1/2"	9 1/2" x 0
Hamlin Bros. (Robert Hamlin), No. 2	734	8	Van Buren	310	300	290	280	270	270	270	180	240	100
Hogate Coal Co. (R. L. Hogate)	724	18	Marion	300	290	280	270	270	270	270	160	220	100
Hubbatt, G. F.	726	6	Davis	295	285	275	265	270	270	270	180	240	100
McCoy, Dale	679	19	Marion	310	300	290	280	270	270	270	170	230	100
Melcher Fuel Co. (Robert Cunion)	725	17	Marion	310	300	290	280	270	270	270	165	225	100
New Milford Coal Company, No. 2	735	31	Boone	385	375	365	355	375	325	330	210	270	100
O'Donnell, Wm. R. (New Minks Coal Co.)	669	1	Appanoose	270	260	250	240	260	250	260	200	260	100
Pearson Coal Co., #8	648	34	Page	360	350	350	350	350	340	340	250	340	150
Riggen, Charles A. #2 (Riggen Coal Co.)	737	19-A	Marion	305	295	285	275	270	270	270	160	220	100
Tillotson Coal Co. (Ted Tillotson)	718	9	Wapello	310	300	290	280	270	270	270	200	260	100
White Eagle Coal Co., #2 (Ernest Johnson)	650	18	Marion	300	290	280	270	270	270	270	160	220	100

[F. R. Doc. 41-3370; Filed, May 9, 1941; 11:21 a. m.]

[Docket No. A-786]

#### PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED FOR RAIL AND TRUCK SHIPMENTS BY CERTAIN MINES IN DISTRICT NO. 13 WHICH COALS HAVE NOT HERETOFORE BEEN CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for coals produced for rail and truck shipments by certain mines in District No. 13, which coals have not heretofore been so classified and priced; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith § 333.3 (Alphabetical list of code members in Subdistrict No. 1) is amended by adding thereto Supplement R-I, § 333.7 (Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads) is amended by adding thereto Supplement R-II, § 333.7 (Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel) is amended by adding thereto R-III, § 333.34 (General prices in cents per net ton for shipment into all market areas—Alabama) is amended by adding thereto Supplement T-I and § 333.43 (General prices in cents per net ton for shipment in all market areas—Tennessee) is amended by adding thereto Supplement T-II, which supplements dated April 19, 1941, are hereinafter set forth.

The mines of Z. J. Elmore, Mine Index No. 318, and River Valley Cahaba Coal Company, Mine Index No. 509, listed in the original petition, were not included in "Supplement R" for the reason that Freight Origin Group numbers could not be assigned due to the fact that sufficient information was not received regarding the rail shipping points. Minimum prices for the coals of these mines will be established upon appropriate application to modify the temporary relief granted herein.

It is further ordered. That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings In-

stituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.  
It is further ordered. That the relief herein granted shall become final sixty (60) days from the date of this order, unless the Director shall otherwise order.  
Dated April 19, 1941.  
[SEAL]

H. A. GRAY,  
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13  
NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and Supplements thereto.

#### FOR ALL SHIPMENTS EXCEPT TRUCK

#### § 333.3 Alphabetical list of code members in Subdistrict No. 1—Supplement R-I

(Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing)

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
1247	Davis, J. W.	Davis	1	Black Creek	80
1249	Freeman, Coal Co.	Freeman	1	Black Creek	80
1253	King, J. M.	J. M. King	1	Black Creek	80
1283	Bennett, J. W.	Cardiff	1	Pratt	50
1285	Bibby Coal Shale & Clay Co.	Bibby	1	Black Creek	50
4290	Center Coal Co.	Coalbur-D	1	Pratt	51
450	Center Coal Co.	Cliff	1	Pratt	31
4317	Ellington, E. R.	Black Creek	1	Black Creek	31
4371	Sheelor, Ed.	Sheelor #1	1	Nickel Plate	50
41105	Sheelor, Ed.	Sheelor #2	1	Pratt	50

These mines shall have the same price in size group 18 on all price tables as listed for mine with Index Number 22.  
This mine shall have the same price in size groups 1, 2, 13, 19, 20, 21, 23, and 24 on all price tables as listed for mine with Index Number 71.

This mine shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mine with Index Number 71.

This mine shall have a price in size group 22 on all price tables, 10¢ under the price listed in size group 17 for mine with Index Number 71.

This mine shall have a price in size group 13 on all price tables, 10¢ under the price listed for mine with Index Number 74.

This mine shall have a price in size groups 1, 2, 13, 19, 20, 21, 23, and 24 on all price tables as listed for mine with Index Number 71.

This mine shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mine with Index Number 71.

This mine shall have a price in size group 22 on all price tables, 10¢ under the price listed in size group 17 for mine with Index Number 71.

This mine shall have the same price in size groups 19, 20, 21, 23, and 24 on all price tables as listed for mine with Index Number 71.

This mine shall have a price in size group 22 on all price tables, 10¢ under the price listed for mine with Index Number 74.

This mine shall have a price in size group 13 on all price tables, 10¢ under the price listed for mine with Index Number 74.

This mine shall have a price in size groups 1, 13, and 23 on all price tables 20¢ under the price listed for mine with Index Number 71.

This mine shall have the same price in size groups 1, 13, and 23 on all price tables as listed for mine with Index Number 71.

#### § 333.3 Alphabetical list of code members in Subdistrict No. 1—Supplement R-II—Continued

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
120	Eldridge Coal Co.	Eldridge	1	Black Creek	101
1160	Glover, N. E.	Tucker #8	1	Black Creek	80
11943	Kilgus, T. B. & Co.	Kilgus	1	Black Creek	112
12571	Poe, Spencer	Old Gains	1	Carona	120
12573	Wilson & Huddleston	Johnson #1	1	Mary Lee	80
14565	Arco, Arnold	Thompson & Hambrick	1	Black Creek	80
14790	Bowen, E. & N.	Hilltop	1	Black Creek	80
14577	Clark, A. R.	Clark	1	Black Creek	80
14583	Drummond, H. E.	Drummond	1	Black Creek	80
14584	Drummond, H. E.	O'Neill	1	Black Creek	80
14596	Gunter, Ben	New Bridge	1	Black Creek	80
14610	Hefner, Ervin	Winifred Owens	1	Black Creek	80
14612	Henley & Ray	Henley & Ray	1	Black Creek	80
14627	Mankin, Ted	Mankin	1	Black Creek	80
14629	Mitchell, R. M.	Mitchell #3	1	Black Creek	80
14630	Phillips, R. S.	Phillips	1	Black Creek	80
14632	Pickett, B. C.	Mitchell Hollow	1	Black Creek	80
14643	Pugh, W. W.	Pugh	1	Black Creek	80
14658	Thompson, James E.	Thompson #2	1	Black Creek	80
14677	Fondren & Fondren	Millstone #1	1	Black Creek	111

This mine shall have a price in size groups 13, 19, and 23 on all price tables as listed for mine with Index Number 14 with Index Number 22.  
This mine shall have a price in size group 23 on all price tables, 10¢ under the price listed in size group 13 for mine with Index Number 22.

This mine shall have a price in size groups 22 and 23 on all price tables as listed in size groups 17 and 18, respectively, for mine with Index Number 7.

This mine shall have a price in size group 13 on all price tables, 10¢ under the price listed in size group 12 for mine with Index Number 55.

This mine shall have a price in size groups 13, 19, 22, and 23 on all price tables, 10¢ under the price listed in size groups 12, 14, 17, and 18, respectively, for mine with Index Number 31.

These mines shall have a price in size group 18 on all price tables as listed for mine with Index Number 22.

This mine shall have a price in size groups 13 and 19 on all price tables as listed for mine with Index Number 14.

This mine shall have a price in size group 20 on all price tables as listed for size group 19 for mine with Index Number 14.

This mine shall have a price in size groups 21, 22, 23, and 25 on all price tables as listed for size groups 16, 17, 18, and 26, respectively, for mine with Index Number 7.

#### § 333.7 Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads—Supplement R-II

(Prices f. o. b. mines for shipment to all railroads and for exclusive use of railroads)

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
247	Davis, J. W.	Davis	1	Black Creek	80
249	Freeman, Coal Co.	Freeman	1	Black Creek	80
253	King, J. M.	J. M. King	1	Black Creek	80
283	Bennett, J. W.	Cardiff	1	Pratt	50
299	Center Coal Co.	Coalbur-D	1	Pratt	51
371	Sheelor, Ed.	Sheelor #1	1	Nickel Plate	50
1105	Sheelor, Ed.	Sheelor #2	1	Pratt	50

§ 333.7 Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads—Supplement R-II—Continued

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
<i>Walker County, Ala.</i>					
565	Argo, Arnold	Thompson & Hambrick	1	Black Creek	80
574	Argo & Wald	Drummond #1	1	Black Creek	80
585	Bonner Coal Co.	Bonner	1	Black Creek	101
590	Bowen, E. & N.	Hilltop	1	Black Creek	80
570	Bradford, George	Clark	1	Black Creek	80
577	Clark, A. R.	Drummond	1	Black Creek	80
583	Drummond, H. E.	O'Neill	1	Black Creek	80
584	Drummond, H. E.	New Bridge #2	1	Black Creek	80
795	Drummond, Homer	Drummond & Nichols	1	Black Creek	80
886	Drummond & Nichols	Blue Creek	1	Black Creek	80
894	Estes, Wesley	Winifred Owens	1	Black Creek	80
836	Gunter, Ben	Black Creek	1	Black Creek	80
582	Harris & Hamilton	Headrick C. Co.	1	Black Creek	80
600	Headrick, W. P.	New Bridge	1	Black Creek	80
610	Hefner, Ervin	Headrick C. Co.	1	Black Creek	80
1243	Henley & Ray	Henley & Ray	1	Black Creek	80
627	Kilgus, T. B. & Co.	Maundlin	1	Black Creek	80
629	McBride, G. C.	Mitchell #3	1	Black Creek	80
632	Myers, Wm. R.	Phillips	1	Black Creek	80
638	Phillips, Howard	Phillips	1	Black Creek	80
639	Phillips, R. S.	Phillips	1	Black Creek	80
922	Pugh, W. W.	Mitchell Hollow	1	Black Creek	80
643	Reeves, J. M.	Henson #2	1	Black Creek	80
617	Robbins, Mack	Robbins C. Co.	1	Black Creek	80
648	Thompson, James E.	Thompson #2	1	Black Creek	80
638					

The above mines shall have the same prices for all sizes customarily furnished railroads for locomotive fuel on price tables as listed for mines with Index Numbers 1, 2, 3, etc. [See § 333.7 (e).]

§ 333.7 Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel—Supplement R-III

[Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel—Subject to price instructions and exceptions]

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
<i>Cullman County, Ala.</i>					
1247	Davis, J. W.	Davis	1	Black Creek	80
1249	Freeman Coal Co.	Freeman	1	Black Creek	80
1253	King, J. M.	J. M. King	1	Black Creek	80

These mines shall have the same prices on price table as set forth in § 333.7 (c) as shown for mines with Index Numbers 21, 22, 23, etc.

§ 333.7 Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel—Supplement R-III—Continued

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
<i>Jefferson County, Ala.</i>					
1283	Bennett, J. W.	Cardiff	1	Pratt	50
1299	Center Coal Co.	Coalburg-D	1	Pratt	51
<i>Walker County, Ala.</i>					
1263	Bonner Coal Co.	Bonner	1	Black Creek	101
1243	Kilgus, T. B. & Co.	Kilgus	1	Black Creek	112
565	Argo, Arnold	Thompson & Hambrick	1	Black Creek	80
574	Argo & Wald	Drummond #1	1	Black Creek	80
790	Bowen, E. & N.	Hilltop	1	Black Creek	80
570	Bradford, George	Clark	1	Black Creek	80
577	Clark, A. R.	Drummond	1	Black Creek	80
583	Drummond, H. E.	O'Neill	1	Black Creek	80
584	Drummond, H. E.	New Bridge #2	1	Black Creek	80
795	Drummond, Homer	Drummond & Nichols	1	Black Creek	80
886	Drummond & Nichols	Blue Creek	1	Black Creek	80
894	Estes, Wesley	Winifred Owens	1	Black Creek	80
600	Gunter, Ben	Black Creek	1	Black Creek	80
582	Harris & Hamilton	Headrick C. Co.	1	Black Creek	80
610	Headrick, W. P.	New Bridge	1	Black Creek	80
627	Hefner, Ervin	Headrick C. Co.	1	Black Creek	80
629	Henley & Ray	Henley & Ray	1	Black Creek	80
632	Maundlin, Ted	Maundlin	1	Black Creek	80
638	McBride, G. C.	Mitchell #3	1	Black Creek	80
639	Myers, Wm. R.	Phillips	1	Black Creek	80
922	Phillips, Howard	Phillips	1	Black Creek	80
643	Phillips, R. S.	Phillips	1	Black Creek	80
617	Pickett, B. C.	Mitchell Hollow	1	Black Creek	80
648	Reeves, J. M.	Henson #2	1	Black Creek	80
648	Robbins, Mack	Robbins C. Co.	1	Black Creek	80
638	Thompson, James E.	Thompson #2	1	Black Creek	80
<i>Winston County, Ala.</i>					
1677	Fondren & Fondren	Millstone #4	1	Black Creek	111

These mines shall have the same prices on price table as set forth in § 333.7 (c) as shown for mines with Index Numbers 50, 55, 71, 72 and 73.

These mines shall have a price of \$2.85 for size groups 13 and 19, and a price of \$2.75 for size group 23 for Steamship Vessel Fuel.

These mines shall have the same prices on price table as set forth in § 333.7 (c) as shown for mines with Index Numbers 21, 22, 23, etc.

This mine shall have a price of \$2.85 for size groups 13 and 19, and a price of \$2.75 for size group 23 for Steamship Vessel Fuel.

TRUCK SHIPMENTS  
 § 333.34 General prices in cents per ton for shipment into all market areas—Alabama—Supplement T-I

Code member index	Mine	S. D. Index No.	Mine	Seam	Lump, over 2' and under 3' size over 6" and under 8"	Egg, top size 2' and under 3' size over 6" and under 8"	Lump, 2' and under 3' size over 6" and under 8"	Nut, top size, 2' and under 3' size over 6" and under 8"		Chestnut, top size, 3' and under 4' size over 6" and under 8"		Chestnut, top size, 4' and under 5' size over 6" and under 8"		Run of mine, modified R/M		Results, 3" and under 4"		Screens, 1 1/2" and under 2"		Industrial coal*
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Raw	Wash	Raw	Wash	Raw	
ALABAMA	JEFFERSON COUNTY	2	Bibby	Black Creek	335	335	340	345	325	310	300	285	285	13	17	22	18	23	24, 25, 26	286
WALKER COUNTY	Itzen, Barron & Robertson	2	Boshen #2	Mary Lee	275	275	275	285	275	280	270	235	235	225	235	200	230	180	225	250
WINSTON COUNTY	Mauldin	2	Mauldin	Black Creek	385	385	360	335	315	315	305	275	275	260	275	265	220	260	290	290
Kilgoar, T. B. & Co.	Kilgoar	2	Kilgoar	Black Creek	385	385	360	335	315	315	305	275	275	260	275	265	220	260	290	290

§ 333.43 General prices in cents per net ton for shipment into all market areas—Tennessee and Georgia—Supplement T-II

Code member index	Mine	S. D. Index No.	Seam	Lump, over 2' and under 3' size over 6" and under 8"	Egg, top size 2' and under 3' size over 6" and under 8"	Lump, 2' and under 3' size over 6" and under 8"	Nut, top size 2' and under 3' size over 6" and under 8"	Stoker, top size 1 1/2" and under 2" size 1 1/2" and under 2"	Stoker, top size 1 1/2" and under 2" size 1 1/2" and under 2"	Straight and modified M/R	Results, 4" and under 5"	Screens, 2" and under 3"	Screens, 1 1/2" and under 2"	Screens, 1 1/4" and under 1 1/2"	Screens, 3/4" and under 1"	Screens, 1/2" and under 3/4"	Screens, 1/4" and under 1/2"	Screens, 1/8" and under 1/4"	Screens, 1/16" and under 1/8"	Screens, 1/32" and under 1/16"	Screens, 1/64" and under 1/32"	Screens, 1/128" and under 1/64"	Screens, 1/256" and under 1/128"	Screens, 1/512" and under 1/256"	Screens, 1/1024" and under 1/512"	Screens, 1/2048" and under 1/1024"	Screens, 1/4096" and under 1/2048"	Screens, 1/8192" and under 1/4096"	Screens, 1/16384" and under 1/8192"	Screens, 1/32768" and under 1/16384"	Screens, 1/65536" and under 1/32768"	Screens, 1/131072" and under 1/65536"	Screens, 1/262144" and under 1/131072"	Screens, 1/524288" and under 1/262144"	Screens, 1/1048576" and under 1/524288"	Screens, 1/2097152" and under 1/1048576"	Screens, 1/4194304" and under 1/2097152"	Screens, 1/8388608" and under 1/4194304"	Screens, 1/16777216" and under 1/8388608"	Screens, 1/33554432" and under 1/16777216"	Screens, 1/67108864" and under 1/33554432"	Screens, 1/134217728" and under 1/67108864"	Screens, 1/268435456" and under 1/134217728"	Screens, 1/536870912" and under 1/268435456"	Screens, 1/1073741824" and under 1/536870912"	Screens, 1/2147483648" and under 1/1073741824"	Screens, 1/4294967296" and under 1/2147483648"	Screens, 1/8589934592" and under 1/4294967296"	Screens, 1/17179869184" and under 1/8589934592"	Screens, 1/34359738368" and under 1/17179869184"	Screens, 1/68719476736" and under 1/34359738368"	Screens, 1/137438953472" and under 1/68719476736"	Screens, 1/274877906944" and under 1/137438953472"	Screens, 1/549755813888" and under 1/274877906944"	Screens, 1/1099511627776" and under 1/549755813888"	Screens, 1/2199023255552" and under 1/1099511627776"	Screens, 1/4398046511104" and under 1/2199023255552"	Screens, 1/8796093022208" and under 1/4398046511104"	Screens, 1/17592186044416" and under 1/8796093022208"	Screens, 1/35184372088832" and under 1/17592186044416"	Screens, 1/70368744177664" and under 1/35184372088832"	Screens, 1/140737488355328" and under 1/70368744177664"	Screens, 1/281474976710656" and under 1/140737488355328"	Screens, 1/562949953421312" and under 1/281474976710656"	Screens, 1/1125899906842624" and under 1/562949953421312"	Screens, 1/2251799813685248" and under 1/1125899906842624"	Screens, 1/4503599627370496" and under 1/2251799813685248"	Screens, 1/9007199254740992" and under 1/4503599627370496"	Screens, 1/18014398509481984" and under 1/9007199254740992"	Screens, 1/36028797018963968" and under 1/18014398509481984"	Screens, 1/72057594037927936" and under 1/36028797018963968"	Screens, 1/144115188075855872" and under 1/72057594037927936"	Screens, 1/288230376151711744" and under 1/144115188075855872"	Screens, 1/576460752303423488" and under 1/288230376151711744"	Screens, 1/1152921504606846976" and under 1/576460752303423488"	Screens, 1/2305843009213693952" and under 1/1152921504606846976"	Screens, 1/4611686018427387904" and under 1/2305843009213693952"	Screens, 1/9223372036854775808" and under 1/4611686018427387904"	Screens, 1/18446744073709551616" and under 1/9223372036854775808"	Screens, 1/36893488147419103232" and under 1/18446744073709551616"	Screens, 1/73786976294838206464" and under 1/36893488147419103232"	Screens, 1/147573952589676412928" and under 1/73786976294838206464"	Screens, 1/295147905179352825856" and under 1/147573952589676412928"	Screens, 1/590295810358705651712" and under 1/295147905179352825856"	Screens, 1/1180591620717411303424" and under 1/590295810358705651712"	Screens, 1/2361183241434822606848" and under 1/1180591620717411303424"	Screens, 1/4722366482869645213696" and under 1/2361183241434822606848"	Screens, 1/9444732965739290427392" and under 1/4722366482869645213696"	Screens, 1/18889465931478580854784" and under 1/9444732965739290427392"	Screens, 1/37778931862957161709568" and under 1/18889465931478580854784"	Screens, 1/75557863725914323419136" and under 1/37778931862957161709568"	Screens, 1/151115727451828646838272" and under 1/75557863725914323419136"	Screens, 1/302231454903657293676544" and under 1/151115727451828646838272"	Screens, 1/604462909807314587353088" and under 1/302231454903657293676544"	Screens, 1/1208925819614629174706176" and under 1/604462909807314587353088"	Screens, 1/2417851639229258349412352" and under 1/1208925819614629174706176"	Screens, 1/4835703278458516698824704" and under 1/2417851639229258349412352"	Screens, 1/9671406556917033397649408" and under 1/4835703278458516698824704"	Screens, 1/19342813113834066795298816" and under 1/9671406556917033397649408"	Screens, 1/38685626227668133590597632" and under 1/19342813113834066795298816"	Screens, 1/77371252455336267181195264" and under 1/38685626227668133590597632"	Screens, 1/154742504910672534362390528" and under 1/77371252455336267181195264"	Screens, 1/309485009821345068724781056" and under 1/154742504910672534362390528"	Screens, 1/618970019642690137449562112" and under 1/309485009821345068724781056"	Screens, 1/1237940039285380274899124224" and under 1/618970019642690137449562112"	Screens, 1/2475880078570760549798248448" and under 1/1237940039285380274899124224"	Screens, 1/4951760157141521099596496896" and under 1/2475880078570760549798248448"	Screens, 1/9903520314283042199192993792" and under 1/4951760157141521099596496896"	Screens, 1/19807040628566084398385987584" and under 1/9903520314283042199192993792"	Screens, 1/39614081257132168796771975168" and under 1/19807040628566084398385987584"	Screens, 1/79228162514264337593543950336" and under 1/39614081257132168796771975168"	Screens, 1/158456325028528675187087900672" and under 1/79228162514264337593543950336"	Screens, 1/316912650057057350374175801344" and under 1/158456325028528675187087900672"	Screens, 1/633825300114114700748351602688" and under 1/316912650057057350374175801344"	Screens, 1/1267650600228229401496703205376" and under 1/633825300114114700748351602688"	Screens, 1/2535301200456458802993406410752" and under 1/1267650600228229401496703205376"	Screens, 1/5070602400912917605986812821504" and under 1/2535301200456458802993406410752"	Screens, 1/10141204801825835211973625643008" and under 1/5070602400912917605986812821504"	Screens, 1/20282409603651670423947251286016" and under 1/10141204801825835211973625643008"	Screens, 1/40564819207303340847894502572032" and under 1/20282409603651670423947251286016"	Screens, 1/81129638414606681695789005144064" and under 1/40564819207303340847894502572032"	Screens, 1/162259276829213363391578010288128" and under 1/81129638414606681695789005144064"	Screens, 1/324518553658426726783156020576256" and under 1/162259276829213363391578010288128"	Screens, 1/649037107316853453566312041152512" and under 1/324518553658426726783156020576256"	Screens, 1/1298074214633707007132624082305024" and under 1/649037107316853453566312041152512"	Screens, 1/2596148429267414014265248164610048" and under 1/1298074214633707007132624082305024"	Screens, 1/5192296858534828028530496329220096" and under 1/2596148429267414014265248164610048"	Screens, 1/10384593717069656057060992658440192" and under 1/5192296858534828028530496329220096"	Screens, 1/20769187434139312114121985316880384" and under 1/10384593717069656057060992658440192"	Screens, 1/41538374868278624228243970633760768" and under 1/20769187434139312114121985316880384"	Screens, 1/83076749736557248456487941267521536" and under 1/41538374868278624228243970633760768"	Screens, 1/166153499473114496912975882535043072" and under 1/83076749736557248456487941267521536"	Screens, 1/332306998946228993825951765070086144" and under 1/166153499473114496912975882535043072"	Screens, 1/664613997892457987651903530140172288" and under 1/332306998946228993825951765070086144"	Screens, 1/1329227995784915975303807060280344576" and under 1/664613997892457987651903530140172288"	Screens, 1/2658455991569831950607614120560689152" and under 1/1329227995784915975303807060280344576"	Screens, 1/5316911983139663901215228241121378304" and under 1/2658455991569831950607614120560689152"	Screens, 1/10633823966279327802430456482242756608" and under 1/5316911983139663901215228241121378304"	Screens, 1/21267647932558655604860912964485513216" and under 1/10633823966279327802430456482242756608"	Screens, 1/42535295865117311209721825928971026432" and under 1/21267647932558655604860912964485513216"	Screens, 1/85070591730234622419443651857842052864" and under 1/42535295865117311209721825928971026432"	Screens, 1/170141183460469244838887303715684105728" and under 1/85070591730234622419443651857842052864"	Screens, 1/340282366920938489677774607431368211456" and under 1/170141183460469244838887303715684105728"	Screens, 1/680564733841876979355549214862736422912" and under 1/340282366920938489677774607431368211456"	Screens, 1/1361129467683753958711098429725472845824" and under 1/680564733841876979355549214862736422912"	Screens, 1/272225893536750791742219685945094769152" and under 1/1361129467683753958711098429725472845824"	Screens, 1/544451787073501583484439371890189538304" and under 1/272225893536
-------------------	------	-----------------	------	--	---	---	---	---	---	---------------------------	--------------------------	--------------------------	------------------------------	----------------------------------	----------------------------	------------------------------	------------------------------	------------------------------	-------------------------------	--------------------------------	--------------------------------	---------------------------------	----------------------------------	----------------------------------	-----------------------------------	------------------------------------	------------------------------------	------------------------------------	-------------------------------------	--------------------------------------	--------------------------------------	---------------------------------------	--	--	---	--	--	--	---	--	--	---	--	--	---	--	--	--	---	--	--	---	--	--	---	--	--	--	---	--	--	---	--	--	---	--	--	--	---	--	--	---	--	--	---	--	--	--	---	--	--	---	--	--	---	--	--	--	---	--	--	---	--	--	---	--	--	--	---	--	--	---	--	--	---	--	--	--	---	--	--	---	--	--	---	--	--	---	--	--	--	---	--	--	---	--	--	---	--	--	--	---	--	--	---	--	--	---	--	--	--	---	--	--	---	---	--

[Docket No. A-716]

PART 336—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 16

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 16 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR TRUCK SHIPMENT FOR THE COALS OF MINE INDEX NO. 144 OF THE OLD MIKE COAL CO., A CODE MEMBER IN DISTRICT NO. 16, NOT HERETOFORE CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for truck shipment for the coals of Mine Index No. 144 of the Old Mike Coal Co., a code member in District No. 16, not heretofore classified and priced; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

The Director deeming this action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 336.2 (*Code member price index*) is amended by adding thereto Supplement A and § 336.21 (*General prices*) is amended by adding thereto Supplement B, which supplements dated April 22, 1941, are hereinafter set forth.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated, April 22, 1941.

[SEAL]

H. A. GRAY,  
Director.

## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 16

NOTE: The material contained in these Supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 336, Minimum Price Schedule for District No. 16 and Supplements thereto.

## FOR ALL SHIPMENTS

§ 336.2 *Code member price index*—Supplement A

The following shall be listed in proper alphabetical order:

Producer	Mine	Mine index No.	County	Sub-district price group	Prices page, truck
Old Mike Coal Co.	Old Mike	144	Boulder	5	8

§ 336.21 *General prices*—Supplement B

Insert the following code member name, mine name and county in proper alphabetical order under Sub-District No. 5: "Old Mike Coal Co., Old Mike Mine, Boulder County," and the following prices:

Size groups											
1	2	3	4	5	6	8	9	10	11	12	13
465	415	415	465	415	395	340	290	215	205	185	355

[F. R. Doc. 41-3365; Filed, May 9, 1941; 11:19 a. m.]

[Docket No. A-781]

PART 337—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 17

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 17 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT THE MINES OF CERTAIN CODE MEMBERS IN DISTRICT NO. 17, NOT HERETOFORE CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals produced at the mines of certain code members in District No. 17, not heretofore classified and priced; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and deeming this action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 337.4 (*Code member price index*) is amended by adding thereto Supplement A, and § 337.21 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement B, which supplements dated April 23, 1941, are hereinafter set forth.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated, April 23, 1941.

[SEAL]

H. A. GRAY,  
Director.

## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 17

NOTE: The material contained in these "Supplements" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 337, Minimum Price Schedule for District No. 17 and Supplements thereto.

## FOR ALL SHIPMENTS

## § 337.4 Code member price index—Supplement A

The following shall be listed in proper alphabetical order:

Producer	Mine	Mine index No.	County	Sub-district price group	Prices page	
					Rail	Truck
Andreatta, Salvatore & Dominick Zullo	Pocahontas	473	Garfield	18	---	31
Barbato, Joe & Wm. Bowman	Brewster #2	451	Fremont	2	---	23
Clark, Jack & Frank Mercer	Hidden Canyon	461	Mesa	16	---	30
Jones, W. L.—Lula Steele & Bill George	Blue Spruce	459	Routt	5	---	26
McPhail, T. P.	Skyline	476	Las Animas	6	---	26
Major Coal Company	Major #2	478	Huerfano	1	12	23
Montoya, Zack & Juan Martinez	Montoya & Martinez	477	Las Animas	8	---	27
Royal Flame Coal Company (Marion Posig)	Seven Points	475	Routt	5	---	26
Strainer, Anton (Canon Liberty Coal Company)	Canon Liberty	467	Fremont	3	---	25
Taylor Coal Mining Company	Santa Clara	479	Las Animas	6	---	26

## § 337.21 General prices in cents per net ton per shipment into all market areas—Supplement B

Insert the following code member names (in alphabetical order), mine name and counties, under Sub-Districts Nos. 1, 2, 3, 5, 6, 8, 16 and 18, and the following prices and note:

Code member	Mine	County	Size groups														
			1	2	3	4	5	6	7	9	10	11	13	15	17		
SUB-DISTRICT NO. 1																	
Major Coal Company.....	Major #2.....	Huerfano.....	505	495	475	475	450	420	410	365	310	285	195	...	340		
SUB-DISTRICT NO. 2																	
Barbato, Joe & Wm. Bowman...	Brewster #2.....	Fremont.....	505	495	475	475	450	420	410	365	310	285	195	145	340		
SUB-DISTRICT NO. 3																	
Strainer, Anton (Canon Liberty Coal Company).	Canon Liberty....	Fremont.....	455	445	425	425	400	395	385	350	310	285	195	145	340		
SUB-DISTRICT NO. 5																	
Jones, W. L.-Lula Steele & Bill George.	Blue Spruce.....	Routt.....	455	445	425	425	400	370	360	315	285	260	170	...	315		
Royal Flame Coal Company (Marion Posig).	Seven Points.....	Routt.....															
SUB-DISTRICT NO. 6																	
McPhail, T. P.....	Skyline.....	Las Animas	455	445	425	425	400	390	375	350	315	...	195	...	340		
Taylor Coal Mining Company..	Santa Clara.....	Las Animas															
SUB-DISTRICT NO. 8																	
Montoya, Zack & Juan Martinez.	Montoya & Martinez.	Las Animas.	415	405	375	375	375	375	365	330	315	...	225	...	340		
SUB-DISTRICT NO. 16																	
Clark, Jack & Frank Mercer.....	Hidden Canyon....	Mesa.....	...	430	415	415	390	...	...	365	325	285	235	...	325		
SUB-DISTRICT NO. 18																	
Andreatta, Salvatore & Dominick Zullo.	Pocahontas.....	Garfield.....	...	490	475	475	450	...	...	425	275	...	185	...	325		

NOTE: Prices listed for Sub-District No. 5 shall be reduced as follows, when such coal is for shipment to Craig, Colorado, Market Area No. 221:

1 to 7, inclusive	Size groups		
	9	10	11
100	65	45	35

[F. R. Doc. 41-3366; Filed, May 9, 1941; 11:19 a. m.]

[Docket No. A-679]

PART 340—MINIMUM PRICE SCHEDULE  
DISTRICT NO. 20

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 20 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE MINES OF CERTAIN CODE MEMBERS IN DISTRICT NO. 20 NOT HERETOFORE CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the mines of certain code members in District No. 20 not heretofore classified and priced; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

It appearing that price classifications and minimum prices for the coals of the National Mine operated by code member Carl Nyman for all shipments were heretofore temporarily established in Docket No. A-207, and that after hearing therein the question concerning the proper final relief as to the coals of that mine is now before the Director for consideration in that docket, no relief is extended herein as to that code member; and in all other respects

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

The Director deeming this action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 340.4 (Code member price index) is amended by adding thereto Supplement A and § 340.21 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement B, which supplements dated April 18, 1941, are hereinafter set forth.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the

Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty

(60) days from the date of this Order, unless the Director shall otherwise order. Dated April 18, 1941.

[SEAL]

H. A. GRAY,  
Director.

sixty (60) days from date hereof unless the Director shall otherwise order.

Dated: May 9, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-3410; Filed, May 12, 1941; 11:36 a. m.]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 20  
NOTE: The material contained in these Supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 340, Minimum Price Schedule for District No. 20 and Supplements thereto.

## FOR ALL SHIPMENTS

## § 340.4 Code member price index—Supplement A

The following shall be listed in proper alphabetical order:

Code member	Mine	Mine index No.	County	Sub-dist. price group
Day's Mutual Coal Co. (Wayne Day)	Day's	32	Carbon	1
Jones, F. R.	Bear Canyon	192	Emery	1
Sorensen, Jacob A.	Alton	191	Kane	2

## § 340.21 General prices in cents per ton for shipment into all market areas—Supplement B

Insert the following Code member names, mine names, counties and prices in proper alphabetical order according to Sub-District number:

Code member	Mine	County	Size groups														
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
SUBDISTRICT No. 1																	
Day's Mutual Coal Co. (Wayne Day).	Day's.....	Carbon	420	380	365	345	350	290	265	225	215	185	175	150	270	240	215
Jones, F. R.....	Bear Can- yon.	Emery	338	298	283	263	268	208	183	143	133	103	103	103	188	158	133
SUBDISTRICT No. 2																	
Sorensen, Jacob A.....	Alton.....	Kane	345	310	300	290	260	235	220	185	180	150	145	145	225	200	185

[F. R. Doc. 41-3367; Filed, May 9, 1941; 11:20 a. m.]

[Docket No. A-821]

## PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 7 FOR THE ESTABLISHMENT OF A PRICE CLASSIFICATION FOR THE COALS IN SIZE GROUP 10 PRODUCED AT THE BEECHWOOD MINE OF THE RUCKER COAL COMPANY

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the Bituminous Coal Producers Board for District No. 7, wherein petitioner requests the establishment of a "B" classification for the coals in Size Group 10 produced at the Beechwood Mine (Mine Index No. 218), of the Rucker Coal Company, a code member in District No. 7, and the granting of temporary relief pending final disposition of the subject matter; and

It appearing that due notice of the filing of the petition has been given to all persons interested in this matter and that no opposition has appeared in the

premises, and the Director having duly considered the petition and the subject matter thereof;

Now, therefore, it is ordered, That, pending final disposition of the above matter, a reasonable showing of the necessity therefor having been made, temporary relief is granted as follows: Commencing forthwith, § 327.11 (Alphabetical list of code members) of the Schedule of Effective Minimum Prices for District No. 7 For All Shipments Except Truck is supplemented by adding thereto a "B" classification for the coals in Size Group 10, produced at the Beechwood Mine (Mine Index No. 218), of the Rucker Coal Company.

It is further ordered, That applications to stay, terminate, or modify the foregoing temporary relief, or pleadings in opposition to the final relief requested herein, may be filed within forty-five (45) days from the date hereof, pursuant to the Rules and Regulations Governing Practice and Procedure before the Division in Proceedings Instituted Pursuant to section 4 II (d) of the Act; and

It is further ordered, That the relief herein granted shall become permanent

## TITLE 32—NATIONAL DEFENSE

## CHAPTER VII—SELECTIVE SERVICE SYSTEM

[Amendment No. 49]

PROVIDING FOR PHYSICAL EXAMINATIONS BY EXAMINING BOARDS OF THE ARMED FORCES IN ADDITION TO OR IN LIEU OF PHYSICAL EXAMINATIONS PROVIDED FOR IN VOLUME THREE, "CLASSIFICATION AND SELECTION."

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885), and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective upon the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Six, by adding thereto a new section designated "Section XLVIII—Additional or Alternative Physical Examination" to read as follows:

## SECTION XLVIII—ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATION

## Paragraph

State Director may be authorized to order certain physical examinations... 617  
Procedure when physical examination ordered... 618  
Examining Board to advise local board of its action... 619  
Action of local board upon receiving report of Examining Board... 620  
Regulations in conflict suspended... 621

617. State Director may be authorized to order certain physical examinations. The Director of Selective Service may authorize any State Director of Selective Service to instruct any local board to order such registrants as the State Director may designate to appear for and submit to a physical examination by an Examining Board of the armed forces either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection," and any registrant so designated shall, upon being ordered so to do by such a local board, appear for and submit to such physical examination.

618. Procedure when physical examination ordered. When physical examinations are ordered under the provisions of paragraph 617, the local board shall send such notices, make such arrangements for assembling, transporting, feeding, and lodging the designated registrants, arrange for the transmission to the Examining Board of such records and information, and take such other action in connection with the conducting

of such physical examinations as may be prescribed by the State Director of Selective Service having jurisdiction of such local board.

619. *Examining Board to advise local board of its action.* The Examining Board will complete the physical examination of each registrant and will determine whether he is physically qualified for general service, limited service, or not qualified for either general or limited service, and shall report such fact to the local board on such forms as may be prescribed by the State Director of Selective Service having jurisdiction of such local board.

620. *Action of local board upon receiving report of Examining Board.* Upon receipt of the report of physical examination of the Examining Board, the local board will:

a. If the registrant has theretofore been placed in Class I-A and he is found by the Examining Board to be qualified for general service, enter a record of that fact in the registrant's cover sheet, and, when his order number is reached, order him to report for induction in the usual manner.

b. If the registrant has theretofore been placed in Class I-A by the local board and the Examining Board reports that he is qualified for limited service only or not qualified for either general or limited service, reclassify the registrant in Class I-B or Class IV-F.

c. If the registrant has theretofore been placed in Class I-B or Class IV-F by the local board, classify the registrant if the findings of the Examining Board justify such reclassification. (If he is so reclassified, the registrant shall be given the same notices and shall be entitled to the same rights of a hearing and of appeal as in the case of any other reclassification.)

d. If the registrant has not theretofore been classified by the local board, complete the classification of the registrant in the manner provided in Volume Three, "Classification and Selection," using the report of the Examining Board in lieu of the report of the examining physician. (The registrant shall, when so classified, be given the same notices and shall be entitled to the same rights of a hearing and of appeal as in the case of any other classification.)

621. *Regulations in conflict suspended.* Whenever the Director of Selective Service authorizes a State Director of Selective Service to provide for physical examinations under the provisions of this section, such provisions of the regulations as are in conflict with the provisions of this section are suspended to the extent necessary to carry out such authorization.

LEWIS B. HERSHEY,  
Deputy Director.

MAY 8, 1941.

[F. R. Doc. 41-3379; Filed, May 9, 1941; 12:43 p. m.]

[Order No. 9]

#### PETERSHAM CAMP PROJECT

I, Lewis B. Hershey, Deputy Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 and pursuant to authorization and direction contained in Executive Order No. 8675<sup>1</sup> dated February 6, 1941, hereby designate the Petersham Camp project to be work of national importance. Said camp, located at Petersham, Worcester County, Massachusetts, will be the base of operations for hazard reduction work in the State of Massachusetts, and registrants under the Selective Training and Service Act, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Petersham Camp will consist of forest fire hazard reduction made necessary by the New England hurricane of September 1938, and shall be under the technical direction of the Forest Service of the United States Department of Agriculture insofar as concerns the planning and direction of the work program and the furnishing of construction equipment. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in the camp in accordance with the provisions of the Selective Service Act and Regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Manpower Division of the Operations Group of National Selective Service Headquarters, or such other agencies of the System as may from time to time be designated by the Director.

LEWIS B. HERSHEY,  
Deputy Director.

MAY 7, 1941.

[F. R. Doc. 41-3381; Filed, May 9, 1941; 12:43 p. m.]

[Order No. 10]

#### ROYALSTON CAMP PROJECT

I, Lewis B. Hershey, Deputy Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 and pursuant to authorization and direction contained in Executive Order No. 8675<sup>1</sup> dated February 6, 1941, hereby designate the Royalston Camp project to be work of national importance. Said camp, located at Royalston, Worcester County, Massachusetts, will be the base of operations for hazard reduction work in the

<sup>1</sup> 6 F.R. 831.

State of Massachusetts, and registrants under the Selective Training and Service Act, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Royalston Camp will consist of forest fire hazard reduction made necessary by the New England hurricane of September 1938, and shall be under the technical direction of the Forest Service of the United States Department of Agriculture insofar as concerns the planning and direction of the work program and the furnishing of construction equipment. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in the camp in accordance with the provisions of the Selective Service Act and Regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Manpower Division of the Operations Group of National Selective Service Headquarters, or such other agencies of the System as may from time to time be designated by the Director.

LEWIS B. HERSHEY,  
Deputy Director.

MAY 7, 1941.

[F. R. Doc. 41-3382; Filed, May 9, 1941; 12:44 p. m.]

[Order No. 11]

#### ASHBURNHAM CAMP PROJECT

I, Lewis B. Hershey, Deputy Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 and pursuant to authorization and direction contained in Executive Order No. 8675<sup>1</sup> dated February 6, 1941, hereby designate the Ashburnham Camp project to be work of national importance. Said camp, located at Ashburnham, Worcester County, Massachusetts, will be the base of operations for hazard reduction work in the State of Massachusetts, and registrants under the Selective Training and Service Act, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Ashburnham Camp will consist of forest fire hazard reduction made necessary by the New England hurricane of September 1938, and shall be under the technical direction of the Forest Service of the United States

Department of Agriculture insofar as concerns the planning and direction of the work program and the furnishing of construction equipment. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in the camp in accordance with the provisions of the Selective Service Act and Regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Manpower Division of the Operations Group of National Selective Service Headquarters, or such other agencies of the System as may from time to time be designated by the Director.

LEWIS B. HERSHEY,  
Deputy Director.

MAY 7, 1941.

[F. R. Doc. 41-3383; Filed, May 9, 1941;  
12:44 p. m.]

[Order No. 12]

#### COOPERSTOWN CAMP PROJECT

I, Lewis B. Hershey, Deputy Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 and pursuant to authorization and direction contained in Executive Order No. 8675<sup>1</sup> dated February 6, 1941, hereby designate the Cooperstown Camp project to be work of national importance. Said camp, located at Cooperstown, Otsego County, New York, will be the base of operations for carrying on a program of economic research in the State of New York, and registrants under the Selective Training and Service Act, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Cooperstown Camp will consist of timber stand improvement demonstration plots, control of cutting on cooperative member operations, perfecting product sorting dock, farm management studies, and otherwise assisting on projects leading to development of Cooperative by direct research methods, and shall be under the technical direction of the New York State Conservation Department and the general supervision of the Forest Service of the United States Department of Agriculture insofar as concerns the planning and direction of the work program and the furnishing of construction equipment. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service

Board for Religious Objectors. Men shall be assigned to and retained in the camp in accordance with the provisions of the Selective Service Act and Regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Manpower Division of the Operations Group of National Selective Service Headquarters, or such other agencies of the System as may from time to time be designated by the Director.

LEWIS B. HERSHEY,  
Deputy Director.

MAY 7, 1941.

[F. R. Doc. 41-3384; Filed, May 9, 1941;  
12:44 p. m.]

[Order No. 13]

#### BLUFFTON CAMP PROJECT

I, Lewis B. Hershey, Deputy Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 and pursuant to authorization and direction contained in Executive Order No. 8675<sup>1</sup> dated February 6, 1941, hereby designate the Bluffton Camp project to be work of national importance. Said camp, located at Bluffton, Wells County, Indiana, will be the base of operations for forestry work in the State of Indiana, and registrants under the Selective Training and Service Act, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Bluffton Camp will consist of labor in connection with a forest nursery—seed collection and extraction, seed bed preparation, cultivation, digging, sorting, packing, shipping—game farm operation, planting, erosion control and reforestation work, and shall be under the technical direction of the Indiana State Division of Forestry under the general supervision of the Forest Service of the United States Department of Agriculture insofar as concerns the planning and direction of the work program and the furnishing of construction equipment. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in the camp in accordance with the provisions of the Selective Service Act and Regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Manpower Division of the Operations Group of National Selective Service Headquarters, or such other agencies of

the System as may from time to time be designated by the Director.

LEWIS B. HERSHEY,  
Deputy Director.

MAY 7, 1941.

[F. R. Doc. 41-3385; Filed, May 9, 1941;  
12:44 p. m.]

#### TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

##### CHAPTER I—VETERANS' ADMINISTRATION

##### PART 3—ADJUDICATION: DISALLOWANCE AND AWARDS

§ 3.1228 *Computation of annual income for the purposes of sec. 35.013, or section 1 (c) of the Act of July 19, 1939* (a) The annual income in any case coming within the purview of § 35.013, or section 1 (c) of Public No. 198, 76th Congress (Act of July 19, 1939), will be computed monthly on the basis of the rate of income for the current year. (A. D. 282)

(b) Payments of pension or compensation under the laws administered by the Veterans Administration, payments of yearly renewable term insurance, U. S. Government life insurance, National Service Life Insurance, and payments under the World War Adjusted Compensation Act, as amended, and the Adjusted Compensation Payment Act, 1936 (Public No. 425, 74th Congress) will not be considered in determining the amount of "Annual Income" for the purposes of § 35.013 (b), (Public No. 844, 74th Congress), or section 1 (c) of Public No. 198, 76th Congress (Act of July 19, 1939). For these purposes, however, payments such as lump sums or installments of life, disability, accident, health or similar insurance from other sources, compensation paid by the United States Employees Compensation Commission or a State compensation or industrial board or commission, Civil Service retirement annuity, Social Security benefits, Railroad Retirement benefits, proceeds of bequests and inheritances received in the settlement of estates or gifts will be considered as constituting "Annual Income" except that property received by inheritance or otherwise will not be considered as "Annual Income" until such property, or other property acquired in lieu thereof, by exchange or barter, has been converted into cash. Income for the purpose of barring rights to pension or compensation, will mean total income from sources such as wages, salaries, bonuses (except World War Adjusted Compensation), earnings, emoluments, investments or rents from whatever source derived or income from a business or profession. In computing income, the gross income derived from a business or profession may be reduced by the necessary expenses or carrying on the same, such as cost of goods sold or expenditures for rent, repairs, taxes, up-

<sup>1</sup> 6 F.R. 831.

keep, and other operating expenses. (A. D. 366)

(c) The 3½ percent deducted from the salary of a Civil Service employee as provided in the Civil Service Retirement Act, as amended, is to be considered as salary for the purposes of section 30, Public No. 141, 73d Congress, § 35.013, or section 1 (c) of Public No. 198, 76th Congress (Act of July 19, 1939) i. e., the salary of the employee is not determined by the amount he actually receives in cash, but includes deductions made by virtue of the Civil Service Retirement Act. The value of salary received in kind also constitutes income.

(d) Where payments of pension have been discontinued under § 35.013 (b), or section 1 (c) of Public No. 198, 76th Congress (Act of July 19, 1939), because the annual income of any unmarried person exceeded \$1,000 or of any married person or any person with minor children exceeded \$2,500, restoration of payment will be authorized, except as hereinafter provided, if otherwise in order, from the first of the month that the rate of monthly income is less than the proportionate annual rate permitted: *Provided*, That a claim (informal) for restoration of the pension is made within one year from the date on which the income becomes less than the proportionate rate. Otherwise, benefits will be restored from the date of receipt of the claim or the date from which entitlement is shown, whichever is the later. Where the receipt of a lump sum payment or of several installment payments coming within the definition of the term "Annual Income," for the purposes of § 35.013 (b), or section 1 (c), of Public No. 198, 76th Congress (Act of July 19, 1939), results in the discontinuance of benefits the restoration of such benefits, if otherwise in order, will be authorized as of the first day of the calendar year following that in which payments were received exceeding the limits fixed by that regulation. (May 10, 1941.) See § 5.2548 (f) (2) (53 Stat. 1068-1070; 38 U. S. C. 503) [A. D. 454]

[F. R. Doc. 41-3391; Filed, May 9, 1941; 3:19 p. m.]

# TITLE 45—PUBLIC WELFARE CHAPTER II—CIVILIAN CONSERVATION CORPS

[Supplement No. 3 to Instructions of September 7, 1937]

## PART 202—SELECTION OF VETERANS' CONTINGENT

STATE AND CORPS AREA QUOTAS FOR THE VETERANS CONTINGENT OF THE CIVILIAN CONSERVATION CORPS

SEPTEMBER 1, 1940.

Section 202.26 [Supplement No. 2] of Instructions of September 7, 1937 Gov-

erning the Selection of Veterans to Compose the Veterans Contingent of the Civilian Conservation Corps, is hereby superseded by the following instructions.

§ 202.26 *State and corps area quotas for the veterans' contingent of the corps.* Pursuant to the provisions of Paragraph 10 (a) of instructions of September 7, 1937 and approval of the Assistant Di-

rector of the Civilian Conservation Corps dated August 30, 1940, the attached State and Corps Area quotas for the veterans contingent of the Civilian Conservation Corps, effective September 1, 1940 and to remain effective thereafter until subsequently modified, are hereby established, and all other such quotas previously announced are hereby cancelled.

Corps area	Selecting office	Territory from which selections are to be made	Basic quota
First.....	Newington, Conn..... Togus, Maine..... Boston, Mass..... Manchester, N. H..... Providence, R. I..... White River Junction, Vt.....	Connecticut..... Maine..... Massachusetts..... New Hampshire..... Rhode Island..... Vermont.....	275 135 729 80 118 63
			1,400
Second.....	Philadelphia, Pa..... Lyons, N. J..... Bronx, N. Y..... Batavia, N. Y.....	Delaware..... New Jersey..... Eastern New York..... Western New York.....	45 718 1,656 581
			3,000
Third.....	Washington, D. C..... Baltimore, Md..... Philadelphia, Pa..... Pittsburgh, Pa..... Roanoke, Va.....	District of Columbia..... Maryland..... Eastern Pennsylvania..... Western Pennsylvania..... Virginia.....	105 345 1,224 816 510
			3,000
Fourth.....	Montgomery, Ala..... Bay Pines, Fla..... Atlanta, Ga..... New Orleans, La..... Jackson, Miss..... Fayetteville, N. C..... Columbia, S. C..... Murfreesboro, Tenn.....	Alabama..... Florida..... Georgia..... Louisiana..... Mississippi..... North Carolina..... South Carolina..... Tennessee.....	624 390 685 408 475 692 419 616
			4,400
Fifth.....	Indianapolis, Ind..... Lexington, Ky..... Cleveland, Ohio..... Dayton, Ohio..... Huntington, W. Va.....	Indiana..... Kentucky..... Northern Ohio..... Southern Ohio..... West Virginia.....	656 577 842 562 363
			3,000
Sixth.....	Hines, Ill..... Dearborn, Mich..... Wood, Wisc.....	Illinois..... Michigan..... Wisconsin.....	1,683 1,071 646
			3,400
Seventh.....	Little Rock, Ark..... Des Moines, Iowa..... Wichita, Kansas..... Minneapolis, Minn..... Jefferson Bks., Mo..... Kansas City, Mo..... Lincoln, Nebr..... Fargo, N. D..... Sioux Falls, S. D.....	Arkansas..... Iowa..... Kansas..... Minnesota..... Eastern Missouri..... Western Missouri..... Nebraska..... North Dakota..... South Dakota.....	490 500 490 730 525 425 325 220 295
			4,000
Eighth.....	Tucson, Ariz..... Denver, Colo..... Albuquerque, N. M..... Muskogee, Okla..... Waco, Texas..... Cheyenne, Wyo.....	Arizona..... Colorado..... New Mexico..... Oklahoma..... Texas..... Wyoming.....	104 300 101 782 1,680 63
			3,000
Ninth.....	San Francisco, Cal..... Los Angeles, Cal..... Boise, Idaho..... Ft. Harrison, Mont..... Reno, Nev..... Portland, Ore..... Salt Lake City, Utah..... Seattle, Wash.....	Northern California..... Southern California..... Idaho..... Montana..... Nevada..... Oregon..... Utah..... Washington.....	535 627 90 110 20 194 104 320
			2,000
Grand total.....			27,200

FRANK T. HINES,  
Administrator.

[F. R. Doc. 41-3390; Filed, May 9, 1941; 3:19 p. m.]

# Notices

## WAR DEPARTMENT.

[Contract No. W 669 qm-11447; O. I. No. 6648]

### SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: AMERICAN WOOLEN COMPANY

Contract for: Blankets, Wool, Olive Drab, \* \* \*

Amount: \$4,282,212.50.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this twentieth day of March 1941.

*Scope of this contract.* The contractor shall furnish and deliver \* \* \* Blankets, Wool, Olive Drab, \* \* \* for the consideration stated totaling four million, two hundred eighty-two thousand, two hundred twelve dollars and fifty cents (\$4,282,212.50) in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

*Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

*Delays—Damages.* If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

*Liquidated damages.* Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to \* \* \* percentum of the price of such article for each day's delay after the time specified for delivery.

Bond: Furnished.

Amount: \$856,442.50.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 11-3010 A 0515-01 the available

balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directive No. P-E-96.

FRANK W. BULLOCK,  
Major, Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-3387; Filed, May 9, 1941; 2:14 p. m.]

[Contract No. W 669 qm-11533; O. I. No. 6823]

### SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: UXBRIDGE WORSTED CO., INC.

Contract for: Cloth, Serge, Olive Drab, 18-oz.

Amount: \$1,425,000.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this first day of April 1941.

*Scope of this contract.* The contractor shall furnish and deliver \* \* \* yards Cloth, Serge, Olive Drab, 18-ounce, Dark Shade for the consideration stated totaling one million, four hundred twenty-five thousand dollars (\$1,425,000.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

*Payment.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

*Delays—Damages.* If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

*Liquidated damages.* Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to \* \* \* percentum of the price of such article for each day's delay after the time specified for delivery.

Bond: Furnished.

Amount: \$285,000.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 2-0240 A 0515-01, the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directives No. P-C-227, P-C-228, P-C-229, P-C-230, P-C-233, P-C-234.

FRANK W. BULLOCK,  
Major, Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-3388; Filed, May 9, 1941; 2:14 p. m.]

[Contract No. W 535 ac-18260]

### SUMMARY OF CONTRACT FOR EMERGENCY PLANT FACILITIES<sup>1</sup>

CONTRACTOR: THE GLENN L. MARTIN COMPANY

Contract for: Emergency plant facilities.

Amount: \$23,976,503.50.

Interest: \$298,530.00.

Place: Middle River, Maryland.

The Emergency Plant Facilities covered by this Contract are authorized by, are for the purposes set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of same:

AC 85 P 1-3100 A 0141-01  
AC 85 P 1-3211 A 0141-01  
AC 85 P 1-3052 A 0141-01  
AC 85 P 1-2030 A 0141-01  
AC 85 P 1-3100 A 0141.116-01  
AC 85 P 1-3211 A 0141.116-01  
AC 85 P 1-3052 A 0141.116-01

This contract entered into this 14th day of April 1941.

ARTICLE I. *Emergency plant facilities to be acquired or constructed.* 1. The Contractor shall, with due expedition by contract with others or otherwise, acquire, construct and install the Emergency Plant Facilities generally described below and set forth in further detail in Appendix A hereto annexed and made a part hereof, furnishing or causing to be furnished the labor, materials, tools, machinery, equipment, facilities, supplies and services, and doing or causing to be done all other things necessary for the acquisition, construction and installation thereof. The Emergency Plant Facilities are designated as constituting one Separate Complete Plant (described in Appendix A hereto as Plant No. 2) and six Complete Additions to an Existing Plant, comprising the items described in the Schedules included in Appendix A.

It is estimated that the total cost of the acquisition, construction and installation of the Emergency Plant Facilities will be approximately twenty-three million nine

<sup>1</sup> Approved by the Under Secretary of War April 14, 1941.

hundred seventy-six thousand five hundred three dollars and fifty cents (\$23,976,503.50).

3. The title to all the Emergency Plant Facilities shall be in the Contractor. The Contractor shall, however, allow no mortgage or other lien to be an encumbrance upon the Emergency Plant Facilities (including the lien of any mortgage now existing upon property of the Contractor and any lien existing upon the facilities prior to their acquisition), and shall during the life of this contract make no conveyance or transfer title of such facilities or of any item thereof, unless the written consent thereto of the Contracting Officer is first obtained, provided that in the event of the assignment of claims arising out of this contract in accordance with the provisions of Article VII hereof, the Government will not, because a mortgage or other lien has become an encumbrance upon the Emergency Plant Facilities in violation of the provisions of this Section, refuse payment of sums due as Government Reimbursement for Plant Costs in excess of the indebtedness secured by such mortgage or other lien.

5. Except as provided in Section 4 of this Article and expressly set forth in Appendix A, no salaries of the Contractor's executive officers, no part of the expense incurred in conducting the Contractor's main office or regularly established branch offices, and no overhead expenses of the Contractor of any kind shall be included in the cost of the work as set forth in the Final Cost Certificate. Interest on funds expended shall be included in such cost.

6. In the event that, after the filing of the Final Cost Certificate in connection with the Emergency Plant Facilities described in Appendix A, the Contracting Officer shall determine that further Emergency Plant Facilities, in connection with the Separate Complete Plant or any or all of the Complete Additions to an Existing Plant covered by this contract are required for the purpose contemplated in this contract, he may enter into a contract, subject to the approval of the Head of the Department, amending this contract and Appendix A and the additional cost of such further Emergency Plant Facilities shall be determined by the filing of an amendment to the Final Cost Certificate in the same manner as hereinbefore provided in respect of the Final Cost Certificate.

7. The Contractor shall, to the extent of its ability, take all cash and trade discounts, rebates, allowances, credits, salvage, commissions and bonifications available to the Contractor, and when unable to take advantage of such benefits it shall promptly notify the Contracting Officer in writing to that effect and the reason therefor. In determining the actual net cost of articles and materials of every kind required for the purpose of this contract, there shall be

deducted from the gross cost thereof all such cash and trade discounts, rebates, allowances, credits, salvage, commissions, and bonifications which have accrued to the benefit of the Contractor or would have so accrued except for fault or neglect on the part of the Contractor. Such benefits lost through no fault or neglect on the part of the Contractor shall not be deducted from gross costs.

ART. II. *Payments to contractor by Government.* 3. The payments to be made by the Government to the Contractor on account of the Government Reimbursement for Plant Costs under this contract shall be made regardless of any claim which the Government may have against the Contractor under the Contract for Supplies or any prior or subsequent contract of like nature.

ART. III. *Disposition of emergency plant facilities on termination or completion of contract.* 1. *Notice of termination.* The Contracting Officer may at any time give written notice (hereinafter called the Termination Notice) to the Contractor terminating this contract; and upon receipt of the Termination Notice the Contractor shall, in the event that the acquisition, construction and installation of the Emergency Plant Facilities shall not have been completed, proceed with the steps to be taken by it under Section 4 of Article II, provided the Contractor shall fail to exercise the right of retention conferred upon it hereinafter in this Article.

2. *Rights of the Contractor.* (a) The Contractor shall have the right, exercisable by a written Retention Notice, given within 90 days after the giving of a Termination Notice by either party or within 90 days after the termination of this contract under Section 2 of Article II hereof, to retain under this paragraph for its own use outright, free of any interest of the Government, and/or to negotiate under paragraph (b) hereof for such retention of, any Separate Complete Plant and/or of any item or group of items constituting a Complete Addition to an Existing Plant or of the entire Emergency Plant Facilities.

(c) In respect of any of the Emergency Plant Facilities not designated in the Retention Notice for either retention by the Contractor or for negotiation, or in respect of the entire Emergency Plant Facilities if no Retention Notice be given within the time allowed therefor in this Section 2, the Contractor, promptly after the giving of the Retention Notice or the expiration of such time, as the case may be, shall promptly proceed in accordance with the provisions of clause (1) or clause (2) of subparagraph (b) of this Section 2, as the case may be.

(e) The Contractor shall have the right, to the extent permitted by law with respect to any facilities not retained by the Contractor under paragraphs (a) or (b) of this Section to negotiate with the Contracting Officer with reference to the

leasing of all or any part thereof for such period and upon such terms which may include provision for renewal and an option to purchase the same as the Contractor and Contracting Officer may agree upon, subject to the approval of the Head of the Department.

(f) If on termination of this contract any property included in Emergency Plant Facilities retained by the Contractor or any other property of the Contractor is located in any building or on any land comprised in Emergency Plant Facilities transferred to the Government, the Contractor may, and promptly upon the request of the Contracting Officer shall, remove such property in a neat and workmanlike manner, leaving such land or building in as good condition as before such removal without defects or obstructions caused thereby.

3. *Rights of the Government.* (e) The Contractor agrees to furnish promptly to the Government in regard to any Emergency Plant Facilities which it transfers to the Government under any provision of Section 2 of this Article, without any extra compensation therefor, all designs, drawings, specifications, blueprints, notes and data directly pertaining to such facilities.

4. No chattel which is part of the Emergency Plant Facilities shall be or become part of any realty whatsoever by reason of affixation to such realty, nor shall any chattel whatsoever be or become, by reason of such affixation, part of any realty which may by this contract be made the subject of an option of purchase vested in the Government.

ART. IV. *Loss or destruction of facilities and maintenance.* 1. In the event that all of the Emergency Plant Facilities or any items or group of items thereof shall, prior to the transfer by the Contractor to the Government, be destroyed or damaged by the operation of any risk required to be covered in respect of such facilities by insurance under Section 3 of Article 1 hereof, or of any risk in respect thereof actually covered by insurance carried by the Contractor, the Contractor shall immediately notify in writing the Contracting Officer and may on its own initiative, and the Government may by written notice given within 60 days require the Contractor to apply the proceeds of the insurance coverage in respect of such facilities to the restoration, reconditioning or replacement thereof.

ART. VII. *Assignment of contractor's claims.* 1. Claims for monies due or to become due to the Contractor from the Government arising out of this contract may be assigned to any bank, trust company or other financing institution, including any Federal lending agency and any such assignment may cover all or any part of any claim or claims arising or to arise out of this contract and may be made to any one or more such institutions or to any one party as agent or trustee for two or more such institutions participating in the financing of this

contract. Any claims so assigned may be subject to further assignment; and any bond, promissory note or other evidence of indebtedness secured by any such assignment may be rediscounted, hypothecated as collateral for a loan or credit, or sold with or without recourse. In the event of the assignment or re-assignment of any claim for monies due or to become due under this contract, the assignee thereof shall file written notice of the assignment together with a true copy of the instrument of assignment with (a) the General Accounting Office of the Government, (b) the Contracting Officer or the Head of the Department or agency, (c) the surety or sureties upon the bond or bonds, if any, in connection with such contract, and (d) with the Finance Officer, \* \* \*, who is hereby designated to make all payments under this contract. In no event shall copies of any plans, specifications or other similar documents marked "SECRET" or "CONFIDENTIAL" and annexed or attached to this contract be furnished to any assignee of any claim arising under this contract or to any other person not otherwise entitled to receive same.

ART. XII. *Cancellation of provisions of supply contract.* It is mutually understood and agreed between the parties that this contract is the contract contemplated in and referred to in paragraph 6 of Change Order, Serial No. 3393, Change No. 5, to Contract No. W 535 ac-13243, and Article 25 of Contract No. W 535 ac-16137, and the first two paragraphs on Page 1 of Contract No. 76927, hereinbefore referred to; that the plant facilities covered by this contract are those referred to therein; that this contract with reference to the construction and/or acquisition thereof is in all respects satisfactory to the Contractor; and that said paragraphs and all provisions thereof are in all respects cancelled hereby and hereafter of no effect.

ART. XV. *Identification of equipment.* The Contractor shall separately inventory the items of equipment, machinery and tools covered by this contract and shall, so far as practicable, mark or identify the same as to render the items readily identifiable as having been constructed or acquired hereunder.

ART. XVII. *Tax amortization.* In the event that the Contractor makes timely application under Sections 23 and 124 of the Internal Revenue Code in accordance with rules governing such applications to the Advisory Commission to the Council of National Defense and to the Secretary of War for a Certificate of Government Protection with respect to terms contained in this contract and a Necessity Certificate for any item or group of items of the Emergency Plant Facilities and either such Commission or the Secretary of War fails to issue either of such certificates (in the case of the Necessity Certificate, to the extent of 100%) within a reasonable time, this contract may, at the option of the Contractor, be terminated in the same man-

ner and with the same effect as though a Termination Notice had been filed pursuant to Section 1 of Article III hereof.

This contract authorized under Section 1 (a), Act of July 2, 1940 (Pub. 703—76th Cong.), and Act of Oct. 8, 1940 (Pub. 800—76th Cong.)

FRANK W. BULLOCK,  
Major, Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-3399; Filed, May 12, 1941;  
9:43 a. m.]

#### NAVY DEPARTMENT.

[NOD-1720]

##### SUMMARY OF CONTRACT FOR PLANT FACILITIES

CONTRACTOR: GENERAL ELECTRIC COMPANY  
(ERIE PLANT), SCHENECTADY, NEW YORK

MAY 8, 1941.

Under date of March 21, 1941, the Navy Department entered into a contract with the General Electric Company (Erie Plant) for the acquisition and installation in the Contractor's plant of special additional equipment and facilities required for the production of gun mounts to expedite the National Defense Program, at an estimated cost of not to exceed \$2,973,249.00. The contract requires that the work be done at actual cost without profit or fee to the Contractor. The additional equipment and facilities are to become the property of the United States when installed but are to be left in the possession of the Contractor for its use in the production of supplies for the United States and are to be cared for and maintained by the Contractor at its expense during the life of the supply contract or any subsequent contract for supplies for the United States, and at the expense of the Navy Department for such further period as the Secretary of the Navy may require.

W. H. P. BLANDY,  
Rear Admiral, U. S. N.,  
Chief of the Bureau of Ordnance.

[F. R. Doc. 41-3394; Filed, May 10, 1941;  
9:20 a. m.]

[NOD-1721]

##### SUMMARY OF CONTRACT FOR PLANT FACILITIES

CONTRACTOR: GENERAL ELECTRIC COMPANY  
(SCHENECTADY PLANT), SCHENECTADY,  
NEW YORK

MAY 8, 1941.

Under date of March 21, 1941, the Navy Department entered into a contract with the General Electric Company (Schenectady Plant) for the acquisition and installation in the Contractor's plant of special additional equipment and facilities required for the production of Ordnance equipment to expedite the National Defense Program, at an estimated cost of not to exceed \$7,212,239.00. The

contract requires that the work be done at actual cost without profit or fee to the Contractor. The additional equipment and facilities are to become the property of the United States when installed but are to be left in the possession of the Contractor for its use in the production of supplies for the United States and are to be cared for and maintained by the Contractor at its expense during the life of the supply contract or any subsequent contract for supplies for the United States, and at the expense of the Navy Department for such further period as the Secretary of the Navy may require.

W. H. P. BLANDY,  
Rear Admiral, U. S. N.,  
Chief of the Bureau of Ordnance.

[F. R. Doc. 41-3395; Filed, May 10, 1941;  
9:20 a. m.]

[NOD-1722]

##### SUMMARY OF CONTRACT FOR PLANT FACILITIES

CONTRACTOR: GENERAL ELECTRIC COMPANY  
(PITTSFIELD PLANT), SCHENECTADY, NEW  
YORK

MAY 8, 1941.

Under date of March 21, 1941, the Navy Department entered into a contract with the General Electric Company (Pittsfield Plant) for the acquisition and installation in the Contractor's plant of special additional equipment and facilities required for the production of gun directors to expedite the National Defense Program, at an estimated cost of not to exceed \$8,182,218.00. The contract requires that the work be done at actual cost without profit or fee to the Contractor. The additional equipment and facilities are to become the property of the United States when installed but are to be left in the possession of the Contractor for its use in the production of supplies for the United States and are to be cared for and maintained by the Contractor at its expense during the life of the supply contract or any subsequent contract for supplies for the United States, and at the expense of the Navy Department for such further period as the Secretary of the Navy may require.

W. H. P. BLANDY,  
Rear Admiral, U. S. N.,  
Chief of the Bureau of Ordnance.

[F. R. Doc. 41-3396; Filed, May 10, 1941;  
9:20 a. m.]

[NOD-1853]

##### SUMMARY OF CONTRACT FOR REIMBURSE- MENT FOR EXPENDITURES

CONTRACTOR: DEFENSE PLANT CORPORATION  
(FOR THE BENEFIT OF THE OHIO CRANK-  
SHAFT COMPANY, CLEVELAND, OHIO)

MAY 3, 1941.

Under date of April 8, 1941, Defense Plant Corporation (hereinafter called Defense Corporation) entered into an

agreement with The Ohio Crankshaft Company, Cleveland, Ohio (hereinafter called Lessee) whereby Lessee agrees to acquire certain additional plant facilities comprising machinery and equipment for use by Lessee in the manufacture of Diesel engine parts (such machinery to be installed in Defense Corporation's existing plant or in Lessee's existing plant or in an additional building to be erected by Lessee) and whereby Defense Corporation agrees to advance the funds necessary for such acquisition of machinery and equipment to the extent of \$1,720,000.

The lease contains provisions for termination by either party when the machinery and equipment are no longer needed by Lessee to supply Diesel engine parts for the use of the Government and further provides for cancellation by the Government under certain expressed conditions.

Title to the facilities is to be in Defense Corporation, and it agrees to lease the machinery and equipment to Lessee at an annual rental of \$1.00 for a term ending January 1, 1946, with an automatic extension for two (2) years, subject to an option in Lessee to purchase the machinery and equipment under certain conditions in the event of cancellation, termination, or expiration of the Lease.

By letter dated April 15, 1941, and accepted by Defense Corporation April 17, 1941 (NOD-1853), the Navy Department has agreed to reimburse Defense Corporation for two-fifths ( $\frac{2}{5}$ ) of its expenditures not to exceed \$688,000 and for the balance of such expenditures not later than June 1, 1945, in the event Congress shall hereafter authorize such reimbursement by making appropriations therefor. When Defense Corporation has been reimbursed in full with interest, it will transfer its interest in the facilities, comprising the machinery and equipment, to the United States Government, subject to Lessee's option, if then existing. If the option has been exercised, the Navy Department shall be entitled to receive any excess funds representing the difference between the amount expended by Defense Corporation with interest and the amount of any proceeds of sale or lease received by Defense Corporation.

S. M. ROBINSON,  
Chief of Bureau.

[F. R. Doc. 41-3398; Filed, May 12, 1941;  
9:43 a. m.]

#### DEPARTMENT OF THE INTERIOR.

##### Bituminous Coal Division.

[Docket Nos. A-32, A-33]

PETITION OF THE GUYAN EAGLE COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 8, FOR A REDUCTION OF THE EFFECTIVE MINIMUM PRICES IN SIZE GROUPS 18 TO 21, INCLUSIVE, AND

PETITION OF THE BUFFALO CHILTON COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 8, FOR A REDUCTION OF THE EFFECTIVE MINIMUM PRICES IN SIZE GROUPS 1 TO 4, INCLUSIVE, AND 18 TO 21, INCLUSIVE

#### MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF IN SIZE GROUPS 18 TO 21 TO GUYAN NO. 1 AND NO. 3 MINES (MINE INDEX NOS. 226 AND 227) AND BUFFALO NO. 1 MINE (MINE INDEX NO. 76)

These are proceedings instituted on original petitions filed with the Bituminous Coal Division under section 4 II (d) of the Bituminous Coal Act of 1937, by Guyan Eagle Coal Company ("Guyan Eagle") and The Buffalo Chilton Coal Company ("Buffalo Chilton"), code members in District 8, on September 19, 1940. Amended and supplemental petitions were filed on December 13, 1940.

In Docket No. A-32, Guyan Eagle seeks a reduction of the effective classifications for coals of its Guyan No. 1 Mine (Mine Index No. 226) and Guyan No. 3 Mine (Mine Index No. 227), in Size Groups 18 to 21, from "F" to "H". In Docket No. A-33, Buffalo Chilton seeks a reduction of the classifications effective for coals of its Buffalo No. 1 Mine (Mine Index No. 76), from "Q" to "R" in Size Groups 1-4, and from "E" to "G" in Size Groups 18-21.

Numerous parties intervened in opposition to the petitions. Boone County Coal Corporation, The Gay Coal & Coke Company, Monitor Coal & Coke Company and Georges Creek Coal Company, all code members in District 8, intervened and requested extension to them of any relief granted original petitioners.

An informal conference was held pursuant to the 4 II (d) Rules, on October 4, 1940. Thereafter by Memorandum Opinion and Order dated October 16, 1940, the Director deferred his decision on the question of temporary relief in both matters, noting that the issues involved were highly controversial and that defects in the petition had probably resulted in a failure to show fully the situations involved. Accordingly he reserved jurisdiction to consider the prayers for temporary relief further on the basis of the record to be made at the final hearing.

Owing to temporary abandonment of their petitions by petitioners, and subsequent amendment of pleadings, the final hearing was not held until January 29, 1941.<sup>1</sup> At the hearing, interveners Dis-

<sup>1</sup> Original petitions were filed September 19, 1940, in each instance. Only the Guyan No. 1 and Buffalo No. 1 Mines were involved. On October 4, 1940, District Board 7 and Island Creek Coal Company moved to dismiss the petitions for defects of form and substance. By the Orders dated October 16, 1940, the motions were denied, petitioners required to file amended petitions in seven days, and the cases set for hearing on October 25, 1940. The amended petitions were not filed, and on October 24, and again on November 26, 1940, Island Creek Coal Company renewed its motion to dismiss. On October 25, District Board 7 also renewed its motion. The hearing was postponed indefinitely. By Order dated December 5, 1940, the Director ordered petitioners to show cause on December 13 why the petitions should not be dismissed. On that day, cause was shown and amended petitions filed, at which time Guyan No. 3 Mine was involved for the first time. By Order dated January 6, 1941, the Director accepted the amended petitions, extended the time for petitions of intervention to January 24, and set the matters for hearing on January 29, 1941.

trict Boards Nos. 2 and 8, Island Creek Coal Company, Monitor Coal & Coke Company, The Gay Coal & Coke Company, Boone County Coal Corporation and Logan County Coal Corporation appeared and opposed the relief prayed by original petitioners.

It appears that: The Guyan No. 1 and Buffalo No. 1 Mines are in the Island Creek, and the Guyan No. 3 Mine, in the Chilton Seam, in Logan County, West Virginia.<sup>2</sup> The Guyan No. 1 and No. 3 Mine coals, presently classified "F" in Size Groups 18 to 21, are loaded over the same tippie and often mixed. The Buffalo No. 1 Mine coals are classified "E" in Size Groups 18-21 and "Q" in Size Groups 1-4.

Much emphasis seems to have been placed on B. t. u. content of the coals as contrasted to the B. t. u. contents of the coals of Island Creek Coal Company's mines and Crystal Block Coal and Coke Company's No. 4 Mine. A series of analyses for the Guyan No. 1 Mine coals in Size Group 20, taken from 1937 to 1940, indicates an increase in ash from 7.8 to 9.3 and a decrease in B. t. u. content as received from 13,950 to 13,420. A similar series for the Guyan No. 3 Mine coals shows an increase in ash from 7.3 to 9.2 and a decrease in B. t. u. content from 13,840 to 13,450. The coals of both petitioners appear somewhat inferior analytically to the average coals of District 8 in Size Group 20 similarly classified.

It further appears from comparisons of sales in Size Groups 18 to 21 for 1939 and 1940, that the distribution of Guyan Eagle coals during the last 3 months of 1940 has suffered somewhat of a decline, consumers stating that the effective minimum prices were excessive.

Buffalo Chilton coals seem to have been similarly affected. It appears that three customers who purchased 20,649 tons of Buffalo No. 1 Mine coals, in Size Groups 18 to 21, during the first nine months of 1940, have been lost and that Chrysler Corporation, which purchased 37,248 tons in the first nine-month period, bought during the remainder of the year only 4,519 tons, shipped in October and early November.

On the other hand, however, these mines operated during the last months of 1939 at a percentage of rated capacity favorably comparable to the average for Logan Subdistrict Mines; and it does not appear that relief to the extent requested for coals in Size Groups 18-21 is necessary as a temporary matter. Indeed, the opposition to the request indicates that granting it fully may seriously affect the fair opportunities of competing producers.

The testimony offered supporting Buffalo Chilton's request for a reduction in Size Groups 1-4, based upon the softness and friability of the coal, does not demonstrate the need for temporary relief in that respect. Those Sizes consti-

<sup>2</sup> Buffalo No. 1 Mine is designated in the Price Schedule as in the Chilton seam, but the record indicates it is actually in the Island Creek seam.

tute only a small portion of the Buffalo No. 1 Mine's production.

The Director is of the opinion, however, that petitioners have made an adequate showing of actual and impending injury in the event that some temporary relief is not granted for the Guyan Nos. 1 and 3 Mine and the Buffalo No. 1 Mine coals in Size Groups 18-21, and that granting of relief but only to the extent indicated below, pending final disposition, will not unduly prejudice other interested persons.

The intervening producers took the position that their coals were similar to and competitive with petitioners', that petitioners' coals were properly priced and properly related to theirs, and that, therefore, any reduction granted to petitioners must bring a corresponding reduction for their coals in order to maintain competitive opportunities. However, they offered no evidence. Temporary relief to petitioners is predicated upon their immediate distress and presently improper classification with relation to other producers, including interveners. It does not follow that temporary relief should likewise be granted interveners.

Now, therefore, it is ordered, That temporary relief, pending final disposition of this proceeding, is granted by temporarily amending the Schedule of Effective Minimum Prices for District No. 8, For All Shipments Except Truck, High Volatile Section, as follows:

1. Commencing forthwith, the effective minimum price classifications for Guyan Eagle Coal Company's Guyan No. 1 Mine (Mine Index No. 226) and Guyan No. 3 Mine (Mine Index No. 227), in Size Groups 18-21, are reduced from "F" to "G", for shipment to all market areas, and

2. Commencing forthwith, the effective minimum price classifications for Buffalo Chilton Coal Company's Buffalo No. 1 Mine (Mine Index No. 76), in Size Groups 18-21, are reduced from "E" to "F", for shipment to all market areas.

Temporary relief by reduction in Size Groups 1-4 for the Buffalo No. 1 Mine and temporary relief to mines of interveners Boone County Coal Corporation, Gay Coal & Coke Company, Monitor Coal & Coke Company and Georges Creek Coal Company, as requested, are hereby denied.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Nothing contained herein shall be deemed to constitute a ruling or expression of the Director's views concerning the final disposition of these proceedings.

Dated: May 9, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-3407; Filed, May 12, 1941; 11:35 a. m.]

[Docket Nos. A-40, A-41]

PETITION OF THE OHIO AND PENNSYLVANIA COAL COMPANY, A PRODUCER IN DISTRICT 4, FOR A REDUCTION IN CERTAIN EFFECTIVE MINIMUM PRICES FOR SCREENINGS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937, AND PETITION OF POWHATAN MINING COMPANY, A PRODUCER IN DISTRICT 4, FOR A REDUCTION IN CERTAIN EFFECTIVE MINIMUM PRICES FOR SCREENINGS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

#### NOTICE OF ORDER FOR REHEARING

The Bituminous Coal Division, on November 23, 1940, having issued an Order in the above-entitled proceedings; and the United States Circuit Court of Appeals for the Sixth Circuit, upon a petition to review said order, having reversed the order and remanded the proceedings for rehearing in accordance with the opinion of the Court;

It is ordered, That a rehearing in the above-entitled matters be held before the Director on May 28, 1941, at 10:00 o'clock a. m. (eastern standard time) in a hearing room of the Bituminous Coal Division, 734 Fifteenth St. NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held.

Notice of such rehearing is hereby given to all interested persons. In the interest of expedition, requests for data in accordance with the opinion of the Court may be filed by the parties five (5) days before the hearing.

Dated: May 9, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-3408; Filed, May 12, 1941; 11:35 a. m.]

[Docket No. A-185]

PETITION OF THE ALBUQUERQUE AND CERRILLOS COAL COMPANY, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937, PRAYING FOR RELIEF IN MAKING CERTAIN PRICES APPLICABLE ONLY TO SHIPMENTS OF COAL FOR USE BY THE FEDERAL GOVERNMENT AND AGENCIES THEREOF WHEN SHIPPED FROM SUBDISTRICT 2 OF DISTRICT NO. 18 INTO MARKET AREAS 228 IN NEW MEXICO, 229, 232 AND 236

[Docket No. A-265]

PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 18 FOR CHANGES IN THE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED AND SOLD IN DISTRICT NO. 18

#### ORDER REOPENING HEARING

An original petition was filed in Docket No. A-185, on October 18, 1940, by the Albuquerque and Cerrillos Coal Company, a code member in Subdistrict 2 of District No. 18, requesting modification of the effective minimum prices theretofore established for its coals in the case of sales to the Federal Government when

delivered in Market Areas 228 in New Mexico, 229, 232 and 236. In substance, the petition was based upon the ability of petitioner's competitors in Subdistrict 1 of District No. 18 and Subdistrict 9 of District No. 17 to ship coal to Government rail head destinations in the market areas on land grant or land grant equalization freight rates, while petitioner did not either enjoy land grant freight rates or have land grant equalization freight rates to such points as favorable as the land grant freight equalization rates available to the other producers. Petitioner sought the establishment of prices for its coals to enable them to deliver at Government rail head destination points on the same relative delivered differentials with respect to competing coals that exist in the instance of non-Governmental shipments. In addition, petitioner requested a change in the description for coals in Size Group 3 to include lump and grate, 1½" and 6" x 3", so that the coals of these sizes will be priced on the same basis as comparable sized coals produced in Subdistrict 9 of District No. 17.

On October 19, 1940, District Board No. 18 filed an original petition in Docket No. A-265, requesting modification of the effective minimum prices theretofore established for coals produced in its district when shipped to the Federal Government by reductions not to exceed 95 cents per ton when coals produced in Subdistrict 1 were shipped to destinations in New Mexico located in Market Area 232, and reductions not to exceed 65 cents per ton when coals produced in Subdistrict 2 were shipped to destinations in Market Area 229 and certain points on the Southern Pacific Railway in Market Area 232 located in Arizona.

District Board No. 18 intervened in Docket No. A-185, and District Board No. 17 intervened in each of the dockets.

Pursuant to the order of the Director, the matters were set down for a hearing which was held before an examiner of the Division commencing on November 29, 1940. Appearances at the hearing were entered by the original petitioners, District Board No. 17, and the Consumers' Counsel Division. The petitioners, the intervener, Consumers' Counsel Division, and all interested persons were afforded full opportunity to be heard and to examine and cross-examine witnesses.

On December 16, 1940, an order was issued by the Director granting temporary relief, pending final disposition of the proceedings, based upon the record made before the trial examiner. The order provided: (1) when coals in Size Groups 1 through 9 from Subdistrict 2 of District 18 were offered for sale or sold to the United States Government, for shipment to destinations in Market Areas 228, 229 and 232, the effective minimum prices theretofore established should be reduced by an amount necessary to permit such sizes to be delivered in the market areas at prices equal to the delivered prices for coals of the same sizes from Subdistrict 9 of District No. 17; and (2) when coals in Size Groups 1

through 9 from Subdistrict 1 of District No. 18 were offered for sale or sold to the United States Government, for shipment to destinations on the Atchison, Topeka and Santa Fe Railway in Market Area 232, the minimum prices theretofore established for such coals should be reduced 80 cents per ton.

On January 28, 1941, the Albuquerque and Cerrillos Coal Company filed a statement with the Director (after service of copies on all interested parties), protesting vigorously against the temporary relief granted in the order of December 16, 1940. It alleged that the temporary relief worked a hardship on petitioner's ability to sell coal to the Federal Government. In addition, it alleged that producers in Subdistrict 7 of District No. 17 enjoyed a preferred competitive position in the case of Government shipments, and requested that the relief herein should also extend to the competition arising from Subdistrict 7.

On March 14, 1941, and April 10, 1941, District Board No. 18 filed an amended petition and supplemental petition, respectively, in Docket No. A-265, averring, among other things, that new evidence was in the possession of the petitioner which was not known or available at the time of the original hearing in these dockets, and requesting that the hearing be reopened for the purpose of receiving testimony thereof. It also alleged that the land grant freight rates and the land grant equalization rates that gave rise to the need for the relief requested in the original petitions have been discontinued in part since the hearing. It suggested that the conditions have so changed since the original hearing that further testimony with respect to the freight rates now in effect should be received and considered by the Director in the disposition of the matters herein concerned. District Board No. 17 by letter advised the Director that it concurs in the request for the reopening of the hearing in these matters.

Based upon the showings contained in the documents filed with the Director subsequent to the hearing, the Director finds it desirable and necessary in order to effectuate the purposes of the Act to reopen the hearing in these matters;

*Now, therefore, it is ordered,* That the hearing in the above-entitled matters be reopened for the purpose of considering evidence with respect to the matters involved in the original petitions, and the statements, amendments and supplements thereto; that the hearing be held on June 10, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C., before Chas. S. Mitchell, or any other officer or officers of the Division duly designated to preside at the hearing.

Notice of the reopening of the hearing is hereby given to all parties herein and to such persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to

these proceedings may file a petition of intervention in accordance with the Rules and Regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petitions, or statements, amendments and supplements thereto, is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before June 5, 1941.

Dated: May 9, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-3406; Filed, May 12, 1941;  
11:34 a. m.]

[Docket No. A-485]

PETITION OF THE YOUGHIOGHENY & OHIO COAL COMPANY FOR REDUCTION IN THE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF WALLACE MINE, MINE INDEX NO. 275, IN SIZE GROUPS 7, 8, AND 9 FOR SHIPMENT INTO CERTAIN MARKET AREAS

#### ORDER DISMISSING PETITION

The original petitioner in the above-entitled matter having filed a motion to dismiss its petition therein, without prejudice, and having shown good cause therefor;

*Now, therefore, it is ordered,* That the original petition filed in the above-entitled matter be dismissed, without prejudice, and that the hearing scheduled for May 13, 1941, be, and it hereby is, cancelled; and that the above-designated docket be, and it hereby is, closed.

Dated: May 9, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-3409; Filed, May 12, 1941;  
11:36 a. m.]

[Docket No. A-784]

PETITION OF DISTRICT BOARD NO. 18 FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICES FOR COALS PRODUCED IN SUBDISTRICT NO. 2 IN THAT DISTRICT FOR SHIPMENT BY RAIL, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

#### ORDER POSTPONING HEARING

The hearing in the above-entitled matter having been heretofore duly set for May 13, 1941, and it now appearing that, to better effectuate the purposes of the Act, the hearing should be postponed until June 10, 1941;

*Now, therefore, it is ordered,* That the hearing in the above-entitled matter be, and the same hereby is, postponed from May 13, 1941, until 10 o'clock in the forenoon of June 10, 1941, at a hearing room of the Bituminous Coal Division in Washington, D. C.

*It is further ordered,* That Charles S. Mitchell be, and he hereby is, designated to preside at the hearing in such matter, vice Edward J. Hayes.

*It is further ordered,* That the time within which petitions of intervention may be filed herein be, and it hereby is, extended to June 5, 1941.

In all other respects the Notice of and Order for Hearing entered herein on April 28, 1941, shall remain in full force and effect.

Dated: May 10, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-3405; Filed, May 12, 1941;  
11:34 a. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

#### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Determination and Order, November 8, 1939 (4 F.R. 4531) as amended, April 27, 1940 (5 F.R. 1586).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective May 12, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person

aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Backall Brothers, 434 Market Street, Philadelphia, Pennsylvania; Apparel; Boys' Coats & Suits; 2 learners (75% of the applicable hourly minimum wage); May 12, 1942.

Banner Maid Company, 808 Washington Avenue, St. Louis, Missouri; Apparel; Ladies' Slips & Pajamas; 17 learners (75% of the applicable hourly minimum wage); August 25, 1941.

Brian Brothers, 126 Shane Street, Fall River, Massachusetts; Apparel; Wash Suits; 5 learners (75% of the applicable hourly minimum wage); May 12, 1942.

Daisy Sportswear, Inc., 505 Court Street, Brooklyn, New York; Apparel; Infants' & Children's Outerwear; 5 learners (75% of the applicable hourly minimum wage); May 12, 1942.

Dante Dress Company, 747 Spring Garden Street, Philadelphia, Pennsylvania; Apparel; Dresses; 5 learners (75% of the applicable hourly minimum wage); May 12, 1942.

The Fehhheimer Brothers Company, 4th & Pike Streets, Cincinnati, Ohio; Apparel; Uniform Clothing; 30 learners (75% of the applicable hourly minimum wage); September 8, 1941.

Harbold Manufacturing Company, 520 North George Street, York, Pennsylvania; Apparel; Dresses; 5 learners (75% of the applicable hourly minimum wage); May 12, 1942.

Hindel Manufacturing Company, 651 South Wells Street, Chicago, Illinois; Apparel; Slips; 5 learners (75% of the applicable hourly minimum wage); May 12, 1942.

Morris Kazan, 232 North 11th Street, Philadelphia, Pennsylvania; Apparel; Slacks & Dresses; 5 learners (75% of the applicable hourly minimum wage); May 12, 1942.

Lederman's Manufacturing House, 127 Spring Street, New York, New York; Apparel; Boys' Washable Suits; 5 learners (75% of the applicable hourly minimum wage); August 4, 1941.

Marathon Rubber Products Company, Fifth Avenue & Sherman Street, Wausau, Wisconsin; Apparel; Rubberized Garments & Cloth; 10 percent (75% of the applicable hourly minimum wage); November 28, 1941. (This certificate replaces one issued effective February 17, 1941.)

Marathon Rubber Products Company, 218 Strowbridge Street, Wausau, Wisconsin; Apparel; Rubberized Garments & Cloth; 10 percent (75% of the applicable hourly minimum wage); November 28, 1941. (This certificate replaces one issued effective February 17, 1941.)

Mayfair Frocks, Inc., 52 Twelfth Street, Fall River, Massachusetts; Apparel; Dresses; 34 learners (75% of the applicable hourly minimum wage); September 8, 1941.

New Jersey Garment Corporation, 118 Factory Street, Trenton, New Jersey; Apparel; Dresses; 5 learners (75% of the applicable hourly minimum wage); May 12, 1942.

Norton Brothers & Morris, 757 S. Los Angeles Street, Los Angeles, California; Apparel; Men's & Boys' Coats & Pants; 3 learners (75% of the applicable hourly minimum wage); May 12, 1942.

Paula Sportswear, 108 West 25th Street, New York, New York; Apparel; Ladies' Slacks & Play Suits; 15 learners (75% of the applicable hourly minimum wage); August 4, 1941.

Pierson Manufacturing Company, 116 North Third Street, Quincy, Illinois; Apparel; Men's & Boys' Shirts & Wash Dresses; 5 percent (75% of the applicable hourly minimum wage); May 12, 1942.

Pollock-Key Company, 523 East Wall Street, Fort Scott, Kansas; Apparel; Overalls, Work Shirts & Pants; 5 percent (75% of the applicable hourly minimum wage); May 12, 1942. (This certificate replaces one issued effective October 15, 1940.)

Royal Pants Company, 77 Swan Street, Buffalo, New York; Apparel; Single Pants, Mackinaws and Other Outerwear; 7 learners (75% of the applicable hourly minimum wage); August 25, 1941.

M. C. Schrank Company, 53 Atlantic Street, Bridgeton, New Jersey; Apparel; Underwear; 5 percent (75% of the applicable hourly minimum wage); May 12, 1942.

Sunnyvale, Inc., 614 Wyoming Avenue, Scranton, Pennsylvania; Apparel; Dresses; 25 learners (75% of the applicable hourly minimum wage); September 8, 1941.

Uniform Garment Manufacturing Company, 325 South Main Street, Fort Worth, Texas; Apparel; Uniforms; 5 learners (75% of the applicable hourly minimum wage); May 12, 1942.

Vineland Sportswear Company, 417 Wood Street, Vineland, New Jersey; Apparel; Sportswear; 5 learners (75% of the applicable hourly minimum wage); May 12, 1942.

Weil Kalter Manufacturing Company, Fourth and Cherry Streets, Troy, Missouri; Apparel; Woven Underwear; 15 learners (75% of the applicable hourly minimum wage); September 8, 1941.

Hilton Glove Factory, 1707 Avenue D, Lubbock, Texas; Gloves; Work Gloves; 5 learners; May 12, 1942.

M. Rampl & J. Botto, 141 North 10th Street, Paterson, New Jersey; Gloves; Knit Wool Gloves; 5 learners; May 12, 1942.

Climax Hosiery Mills, Inc., Athens, Georgia; Hosiery; Seamless Hosiery; 5 learners; May 12, 1942.

Gehman Knitting Mill, Bally, Pennsylvania; Hosiery; Seamless Hosiery; 3 learners; May 12, 1942.

International Hosiery Mills, Inc., 1920-30 E. Venange Street, Philadelphia, Pennsylvania; Hosiery; Full Fashioned Hosiery; 2 learners; November 12, 1941.

Maryon Hosiery Mill, 12 Aycock Street, Carrollton, Georgia; Hosiery; Seamless Hosiery; 3 learners; January 29, 1942.

Phoenix Mills, Inc., Statesville, North Carolina; Knitted Wear; Knitted Outerwear; 5 learners; May 12, 1942.

Samuel J. Aronson, Inc., 900 James Avenue, Scranton, Pennsylvania; Textile; Tie & Novelty Fabrics; 24 learners; August 11, 1941.

Chelsea Chenille Products Corporation, 1-9 Broadway, Paterson, New Jersey; Textile; Tufted Chenille Bedspreads; 20 learners; September 29, 1941.

Kutztown Textile Mills, Inc., Kutztown, Pennsylvania; Textile; Bath Mats; 3 percent; May 12, 1942.

Seattle Cap & Apparel Mfg. Company, 83 Columbia Street, Seattle, Washington; Apparel; Caps, Trousers, Jackets; 5 learners (75% of the applicable hourly minimum wage); May 12, 1942.

Signed at Washington, D. C., this 12th day of May 1941.

MERLE D. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 41-3418; Filed, May 12, 1941; 11:44 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective May 12, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. The Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

I. Smallman Company, 100 Outwater Lane, Garfield, New Jersey; Leather Billfolds, Key Cases, Secretaries, and other small Leather Articles; 10 learners; 6 weeks for any one learner; 30 cents per hour; Embosser, Table Worker; July 7, 1941.

I. Smallman Company, 100 Outwater Lane, Garfield, New Jersey; Leather Billfolds, Key Cases, Secretaries, and other small Leather Articles; 3 learners; 4 weeks for any one learner; 32½ cents per hour; Sewing Machine Operator; June 23, 1941.

Signed at Washington, D. C., this 12th day of May 1941.

MERLE D. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 41-3419; Filed, May 12, 1941;  
11:44 a. m.]

#### NOTICE OF CONFIRMATION OF SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that a special certificate for the employment of learners issued to the Badger Raincoat Company, Port Washington, Wisconsin effective on October 25, 1939 and expiring on October 17, 1940 has been ordered confirmed following a hearing on the question of violation held April 14, 1941.

The order of confirmation shall not become effective until after the expiration of a fifteen-day period following the date on which this Notice appears in the FEDERAL REGISTER. During this time petitions for reconsideration or review may be filed by any aggrieved person under § 523.13 of the Regulations. If a petition is properly filed, the effective date of the order of confirmation shall be postponed until final action is taken on the petition.

Signed at Washington, D. C., this 7th day of May 1941.

ALEX G. NORDHOLM,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 41-3420; Filed, May 12, 1941;  
11:44 a. m.]

#### NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF THE DETERMINATION IN THE MATTER OF APPLICATIONS FOR THE EXEMPTION OF THE PACKING AND DRYING OF UNSHELLED WALNUTS AND FILBERTS FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 AS A BRANCH OR BRANCHES OF AN INDUSTRY AND OF A SEASONAL NATURE

Whereas applications were filed by the California Walnut Growers' Association, the North Pacific Nut Growers' Cooperative and sundry other parties for the partial exemption of the packing, drying, etc., of unshelled walnuts and filberts from the maximum hours provisions of the Fair Labor Standards Act as a branch or branches of an industry and of a seasonal nature pursuant to section 7 (b) (3) of the Act and Part 526, as amended, of the Regulations issued thereunder; and

Whereas the Administrator of the Wage and Hour Division gave notice of a public

hearing to be held in Washington, D. C., on September 16, 1940, before Mr. Harold Stein, who was authorized to take testimony, hear argument and determine:

Whether the handling, packing, shelling or other processing, or storing of walnuts or filberts, or any subdivisions or combinations thereof are industries of a seasonal nature within the meaning of section 7 (b) (3) of the act and Part 526 as amended of the regulations issued thereunder.

Whereas following such hearing the said Harold Stein duly made his findings of fact and determined as follows with respect to walnuts and filberts:

(1) Walnuts and filberts are harvested and packed in the fall of each year.

(2) Far more than 50 percent of all walnuts and filberts are received for packing and storing unshelled in a fourteen week period each year.

(3) Unshelled walnuts and filberts are agricultural commodities in their raw or natural state.

(4) The packing and storing of unshelled walnuts and filberts constitute a branch or branches of the nut industry and are of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and § 526.3 (b) of the Regulations issued thereunder.

(5) Walnuts and filberts are dried prior to packing, to remove excess moisture, during the harvest season of about 10 weeks each year. Such drying is independent of all other operations on walnuts and filberts.

(6) At the end of the harvest season, walnut and filbert drying establishments cease operation, except for maintenance, repair and sales work, until the next harvest season, because walnuts and filberts are no longer available for drying because of natural conditions.

(7) The drying of walnuts and filberts constitutes a branch or branches of the nut industry and is of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and § 526.3 (a) of the Regulations, Part 526, issued thereunder.

The applications are granted.

This determination does not apply to the shelling of walnuts and filberts or to the packing or storing of walnut and filbert kernels.

This determination does not excuse noncompliance with any state law or order issued thereunder establishing a maximum workweek lower than the maximum workweek established under section 7 (b) (3) of the Act.

Whereas said findings and determination were duly filed with the Administrator on April 25, 1941, and are now on file in Room 5418, Department of Labor Building, Washington, D. C., and available for examination by all interested parties;

Now, therefore, pursuant to the provisions of § 526.7 of the aforesaid Regulations, notice is hereby given that any

person aggrieved by the said determination may, within 15 days after the date this notice appears in the FEDERAL REGISTER, file a petition with the Administrator requesting that he review the action of the said representative upon the record of hearing before the said representative.

Signed at Washington, D. C., this 5th day of May 1941.

PHILIP B. FLEMING,  
Administrator.

[F. R. Doc. 41-3416; Filed, May 12, 1941;  
11:43 a. m.]

#### NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 24 FOR THE CLAY PRODUCTS INDUSTRY

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on March 4, 1941, by Administrative Order No. 87, appointed Industry Committee No. 24 for the Clay Products Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas, Industry Committee No. 24, on April 29, 1941, recommended a minimum wage rate for the Clay Products Industry and duly adopted a report containing said recommendation and reasons therefor and has filed such report with the Administrator on May 1, 1941, pursuant to section 8 (d) of the Act and § 511.19 of the regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 24 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing before him, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the Act; and, if he finds otherwise, to disapprove such recommendations;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 24 is as follows:

Wages at a rate of not less than thirty-four (34) cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Clay Products Industry who is engaged in commerce or in the production of goods for commerce.

II. The definition of the Clay Products Industry, as set forth in Administrative

Order No. 87 issued March 4, 1941, is as follows:

The manufacture of all fired clay products except refractories, pottery and ceramic whiteware.

The definition of the Clay Products Industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That this definition does not include employees of an independent wholesaler or employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale, and provided further that where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

III. The full text of the report and recommendation of Industry Committee No. 24, together with any dissenting statements which may be filed by a member subsequent to the date of this notice, are and will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, 304 Walker Building, 120 Boylston Street.

New York, New York, Parcel Post Building, 341 Ninth Avenue.

Buffalo, New York, 507-8 Dun Building, Pearl and Swan Streets.

Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut and Juniper Streets.

Pittsburgh, Pennsylvania, 216 Old Post Office Building, 4th and Smithfield Streets.

Newark, New Jersey, 1005 Kinney Building, 790 Broad Street.

Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.

Baltimore, Maryland, 606 Snow Building, Calvert and Lombard Streets.

Columbia, South Carolina, Federal Land Bank Building, Hampton and Marion Streets.

Atlanta, Georgia, Fifth Floor, Witt Building, 249 Peachtree Street.

Jacksonville, Florida, 456 New Post Office Building.

Birmingham, Alabama, 1007 Comer Building, 2nd Avenue and 21st Street.

New Orleans, Louisiana, 1512 Pere Marquette Building, 150 Baronne Street.

Nashville, Tennessee, Medical Arts Building, 119 Seventh Avenue, N.

Cleveland, Ohio, 728 Standard Building, 1370 Ontario Street.

Cincinnati, Ohio, 1312 Traction Building, 5th and Walnut Streets.

Chicago, Illinois, 1200 Merchandise Mart, 222 West North Bank Drive.

Indianapolis, Indiana, Room 708, 108 E. Washington Street.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Kansas City, Missouri, 504 Title & Trust Building, 10th and Walnut Streets.

St. Louis, Missouri, 100 Old Custom House Building, 815 Olive Street.

Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.

Dallas, Texas, 824 Santa Fe Building, 1114 Commerce Street.

San Antonio, Texas, 583 Federal Building, 400 East Houston Street.

San Francisco, California, Room 500, 785 Market Street.

Los Angeles, California, 417 H. W. Hellman Building, 354 South Spring Street.

Seattle, Washington, 305 Post Office Building, 208 James Street.

San Juan, Puerto Rico, Post Office Box 112.

Juneau, Alaska, D. B. Stewart, Commissioner of Mines.

Washington, District of Columbia, Department of Labor, 4th Floor.

Copies of the Committee's report and recommendation, together with any dissenting statement which may be filed by a member subsequent to the date of this notice, may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

IV. A public hearing for the purpose of taking evidence on the question whether the recommendation of Industry Committee No. 24 shall be approved or disapproved pursuant to section 8 of the Act will be held June 10, 1941, at 10:00 a. m. at Conference Rooms A and B, Interdepartmental Auditorium, Constitution Avenue, between 12th and 14th Streets NW., Washington, D. C., before Henry T. Hunt, Esquire, Principal Hearings Examiner of the Wage and Hour Division, United States Department of Labor, as presiding officer.

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 24, may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person: *Provided,* That not later than June 5, 1941, any such person shall file with the Administrator at Washington, D. C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 24.

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor,

Washington, D. C., and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 24 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., or by consulting with attorneys representing the Administrator who will be available for that purpose at the offices of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following document relating to the Clay Products Industry will be made available upon request for inspection by any interested person who intends to appear at the aforesaid hearing:

U. S. Department of Labor, Wage and Hour Division, Research and Statistics Branch, *Report on the Clay Products Industry (Except Pottery and Refractories)* April 1941.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Principal Hearings Examiner as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request made to the official reporter, Electric Reporting Service, 1707 I Street NW., Washington, D. C.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the appropriate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. Where evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person in so far as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the presiding officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the presiding officer.

No. 93—5

12. Before the close of the hearing, the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 6th day of May 1941.

PHILIP B. FLEMING,  
Administrator.

[F. R. Doc. 41-3415; Filed, May 12, 1941;  
11:43 a. m.]

[Administrative Order No. 105]

**DESIGNATING EUNICE BROYLES, EXECUTIVE SECRETARY, DISTRICT OF COLUMBIA MINIMUM WAGE BOARD, AS AUTHORIZED REPRESENTATIVE TO GRANT OR DENY APPLICATIONS FOR SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF HANDICAPPED WORKERS, AND TO CANCEL SUCH SPECIAL CERTIFICATES**

By virtue of, and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Philip B. Fleming, Administrator of the Wage and Hour Division, Department of Labor, hereby designate Eunice Broyles, Executive Secretary, District of Columbia Minimum Wage Board, as my authorized representative, with full power and authority to grant or deny applications for special certificates for the employment of handicapped workers, and to sign, issue and cancel special certificates authorizing the employment of handicapped workers pursuant to the provisions of section 14 of the Fair Labor Standards Act of 1938 and Regulations, Title 29—Labor, Chap-

ter V—Wage and Hour Division, Part 524.

Signed at Washington, D. C. this 9th day of May 1941.

PHILIP B. FLEMING,  
Administrator.

[F. R. Doc. 41-3414; Filed, May 12, 1941;  
11:43 a. m.]

[Administrative Order No. 104]

**APPOINTMENT OF INDUSTRY COMMITTEE NO. 28 FOR THE KNITTED AND MEN'S WOVEN UNDERWEAR AND COMMERCIAL KNITTING INDUSTRY**

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene for the knitted and men's woven underwear and commercial knitting industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

*For the public.* William E. Simkin, Chairman, Philadelphia, Pennsylvania; Philip Taft, Providence, Rhode Island; Harry D. Wolfe, Chapel Hill, North Carolina; Myrtle Brooke, Montevallo, Alabama; John DeQ. Briggs, St. Paul, Minnesota; Mary Barnett Gilson, Chicago, Illinois; William Haber, Ann Arbor, Michigan; Frank V. Morley, New York, New York.

*For the employees.* Mrs. Willie M. Watson, Anniston, Alabama; Joseph R. White, Cohoes, New York; Emil Rieve, New York, New York; Samuel Shore, New York, New York; John S. Martin, Atlanta, Georgia; David Dubinsky, New York, New York; Dorothy J. Bellanca, New York, New York; C. M. Fox, Birmingham, Alabama.

*For the employers.* L. B. Boynton, Newton, Massachusetts; Ralph M. Jones, Utica, New York; E. J. McMillan, Knoxville, Tennessee; T. O. Moore, Winston-Salem, North Carolina; T. H. Mueller, New York, New York; William Ravner, New York, New York; H. E. Sims, Piqua, Ohio; Mitchel Schneider, New York, New York.

Such representatives having been appointed with due regard to the geographical regions in which such industry is carried on.

2. For the purpose of this order the term "knitted and men's woven underwear and commercial knitting industry" means:

a. The manufacturing, dyeing or other finishing of any knitted fabric made from any yarn or mixture of yarns, except:

1. The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing or other finishing of knitted garments, knitted garment sections or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured

in the same establishment as that where the knitting process is performed; provided that this exception shall not be construed to apply to the garments or garment accessories designated in clause (b) of this definition.

2. Fulleed suitings, coatings, topcoatings, or overcoatings containing more than 25 per cent, by weight, of wool or animal fiber other than silk.

3. Hosiery.

b. The manufacturing, dyeing or other finishing, from any yarn or mixture of yarns, or from purchased knitted fabric, of any of the following products:

1. Knitted garments or garment accessories for use as underwear, sleeping wear, or negligees.

2. Fleece-lined garments made from knitted fabric containing cotton only or containing any mixture of cotton and not more than 25 per cent, by weight, of wool or animal fiber other than silk.

3. Knitted shirts of cotton or any synthetic fiber or any mixture of such fibers which have been knit on machinery of 10-cut or finer in the same establishment as that where the knitting process is performed.

4. Knitted towels or cloths.

c. The manufacturing of men's and boys' underwear from any woven fabric.

3. The definition of the knitted and men's woven underwear and commercial knitting industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition including clerical, maintenance, shipping, and selling occupations: *Provided, however,* That such clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department physically segregated from other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale, shall not be deemed to be covered by this definition: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

4. The industry committee herein created shall meet in Conference Room A, Department of Labor Building, Washington, D. C., on June 16, 1941, at 10 A. M. The Committee, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," ex-

cepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

Signed at Washington, D. C., this 8th day of May 1941.

PHILIP B. FLEMING,  
Administrator.

[F. R. Doc. 41-3417; Filed, May 12, 1941;  
11:44 a. m.]

## FEDERAL POWER COMMISSION.

[Docket No. IT-5692]

IN THE MATTER OF ANCHORAGE LIGHT AND  
POWER COMPANY, INC.

NOTICE OF APPLICATION

MAY 8, 1941.

Notice is hereby given that on May 8, 1941, an application was filed with the Federal Power Commission, pursuant to the Federal Power Act, by Anchorage Light and Power Company, Inc., a corporation organized under the laws of the Territory of Alaska and doing business in said Territory, with its principal business office at Anchorage, Alaska, seeking an order authorizing \$400,000.00 principal amount (of which \$300,000.00 principal amount are to be initially issued) of First Mortgage Bonds, Series A, 5%, to be dated as of June 15, 1941, to mature serially in the principal amount of \$30,000.00 on June 15 in each of the years 1942 to 1951, both inclusive, and to be issued under and secured by Mortgage of Chattels and Trust Indenture, dated as of June 15, 1941, to Bank of America National Trust and Savings Association, as corporate trustee, and William C. Koenig, as individual trustee; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 26th day of May 1941, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL]

J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 41-3393; Filed, May 10, 1941;  
9:20 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70-314, 70-315]

IN THE MATTER OF UNITED GAS CORPORATION,  
UNITED GAS PIPE LINE COMPANY,  
AND HOUSTON GULF GAS COMPANY, AND  
IN THE MATTER OF ELECTRIC BOND AND  
SHARE COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its of-

fice in the City of Washington, D. C., on the 9th day of May, A. D. 1941.

Notice is hereby given that declarations or applications (or both) have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than May 26, 1941, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declarations or applications, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declarations or applications, which are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

I. United Gas Corporation (hereinafter sometimes referred to as "United"), a subsidiary company of Electric Bond and Share Company and Electric Power & Light Corporation, both registered holding companies, proposes to issue and sell \$75,000,000 principal amount of First Mortgage and Collateral Trust Bonds, 3¼% Series due 1958. United proposes that its securities be either sold privately or offered to the public, as circumstances dictate. The proceeds of the sale of these securities are to be applied to the following:

(a) To pay principal and accrued interest on redemption of the outstanding \$28,850,000 principal amount of United Gas Public Service Company 6% Debentures, due July 1, 1953, the present obligation of United, of which Electric Bond and Share Company owns \$25,000,000 principal amount and Houston Gas Securities Company, a wholly-owned subsidiary of United, owns \$3,850,000, all of which debentures will be cancelled;

(b) To pay principal and accrued interest on a 6% demand note dated December 31, 1931, in the principal amount of \$25,925,000 made by United to Electric Bond and Share Company;

(c) To repay open account of \$2,000,000 together with accrued interest thereon at the rate of 6% per annum representing the unpaid balance of an original advance of \$3,000,000 made during 1938 to United by Electric Bond and Share Company;

(d) To purchase from United Gas Pipe Line Company (hereinafter sometimes referred to as "Pipe Line"), a wholly-owned subsidiary, \$6,000,000 principal

amount of its First Mortgage and Collateral Trust Bonds, 4% Series due 1961, at their principal amount and accrued interest for cash.

As to the balance of the proceeds the declarations and applications state that the management of United is "considering recommending" to the Board of Directors the use of a substantial portion for the payment of undeclared accumulated dividends on the \$7 preferred stock of United which as of May 31, 1941 will amount to \$9,502,489.75.

The funds to be received by Houston Gas Securities Company as a result of the redemption of \$3,850,000 principal amount of United Gas Public Service Company 6% Debentures, due July 1, 1953, referred to above, together with other moneys of Houston Gas Securities Company, will be used for the purpose of redeeming \$3,900,000 principal amount of its 5% Collateral Trust Gold Bonds, \$440,000 principal amount of which are owned by Electric Bond and Share Company. Houston Gas Securities Company is a wholly-owned subsidiary of United and is to be merged with United. As a result of such merger United will acquire all of the outstanding \$4,585,000 principal amount of United Gas Public Service Company Twenty-Year 6% Gold Debentures, due March 1, 1952 (assumed by United), now held by Houston Gas Securities Company, and such debentures will be cancelled.

II. Pipe Line proposes to issue and sell \$29,000,000 principal amount of First Mortgage and Collateral Trust Bonds, 4% Series due 1961. \$23,000,000 principal amount of these securities will be issued to United in exchange for a like principal amount of Pipe Line 6% Debentures, due March 1, 1952, now owned by United, which debentures will be cancelled. The remaining \$6,000,000 principal amount of Pipe Line bonds will be sold to United at their principal amount and accrued interest for cash. This cash will be used to prepay Pipe Line's \$1,000,000 five-year 2% Note, dated December 30, 1940, to Bank of the Manhattan Company, New York, N. Y., plus accrued interest. Pipe Line will use the balance, together with approximately \$400,000 out of the treasury, to purchase from its subsidiary, Houston Gulf Gas Company (hereinafter sometimes referred to as "Houston Gulf"), \$5,400,000 principal amount of the latter's First Mortgage Bonds, 4% Series due 1961.

III. Houston Gulf proposes to issue and sell \$6,700,000 principal amount of First Mortgage Bonds, 4% Series due 1961. As stated above, \$5,400,000 principal amount of these securities will be sold to Pipe Line at their principal amount and accrued interest for cash. Houston Gulf proposes to use this cash for the purpose of prepaying its 2½% note, dated August 29, 1940, to the First National Bank of Boston, in the principal amount of \$5,400,000, being the unpaid

balance thereof. The balance of \$1,300,000 principal amount of these bonds will be issued to Pipe Line in exchange for Houston Gulf's 7% Income Note, due January 1, 1945, in the amount of \$1,300,000 now owned by Pipe Line, which note will, upon exchange, be cancelled by Houston Gulf.

Pipe Line proposes to pledge the above \$6,700,000 principal amount of Houston Gulf Bonds together with its holdings of Houston Gulf common stock (in excess of 99.5% of the total outstanding) under the mortgage and deed of trust securing its \$29,000,000 principal amount of First Mortgage and Collateral Trust Bonds. The \$29,000,000 principal amount of Pipe Line bonds, together with other securities of United subsidiaries, are in turn to be pledged under United's mortgage. Such other securities which are to be pledged are: 100,000 shares of the Capital Stock (100%) of United Gas Pipe Line Company; 50,000 shares of the Capital Stock (100%) of Union Producing Company; \$40,000,000 principal amount 6% Debentures, due March 1, 1952, of Union Producing Company; 5,000 shares of the Capital Stock (100%) of United Oil Pipe Line Company; 6% Note, due November 1, 1941, in the principal amount of \$325,000 of United Oil Pipe Line Company; 29,494 shares of the Capital Stock (100%) of Compania Mexicana de Gas, S. A., and a 10% Income Demand Note in the principal amount of \$200,000 of Compania Mexicana de Gas, S. A.

IV. Electric Bond and Share Company anticipates that approximately \$53,365,000 in cash will be received by the company upon the completion of the proposed refinancing of United, described above. That amount, together with approximately \$6,041,000 cash in the Company's treasury, a total of \$60,000,000, is proposed to be applied towards the reduction of its preferred stock liability (1,155,655 shares of \$6 Preferred Stock of no par value and 300,000 shares of \$5 Preferred Stock of no par value presently outstanding) by invitation of tenders, purchases in the open market, pro rata payment in liquidation, or by any other appropriate method.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-3403; Filed, May 12, 1941;  
11:24 a. m.]

[File No. 70-312]

IN THE MATTER OF MICHIGAN GAS AND  
ELECTRIC COMPANY

#### NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of May, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been

filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than May 28, 1941 at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Michigan Gas and Electric Company, a subsidiary of The Middle West Corporation, a registered holding company, proposes, pursuant to authorization by the Michigan Public Service Commission of the State of Michigan, to issue and sell to the public through underwriters (a) \$3,500,000 principal amount of First Mortgage Bonds, Series A, 4%, due 1971, and (b) \$750,000 principal amount of Serial Debentures, due 1942-1951, and to apply the proceeds therefrom, together with other moneys of the Company to the extent necessary, to the redemption of \$1,725,800 principal amount of outstanding First Mortgage and Refunding 6% Gold Bonds, Series A, due September 1, 1943, and \$2,535,200 principal amount of outstanding First Mortgage 5% Gold Bonds, Series B, due December 1, 1956, of the Company.

The rate of interest on the Serial Debentures, the names of underwriters, offering prices to the public, and other supplemental information are to be furnished by amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-3402; Filed, May 12, 1941;  
11:24 a. m.]

#### SELECTIVE SERVICE SYSTEM.

##### ORDER

AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF PENNSYLVANIA TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in

me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Pennsylvania to direct any local board in the State of Pennsylvania to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination pro-

vided for in Volume Three,<sup>1</sup> "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Pennsylvania will be guided by the provisions of Section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10

<sup>1</sup> 5 F.R. 3923.

days' notice as provided in Paragraph 415 of the Selective Service Regulations.

The State Director of Selective Service of Pennsylvania shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,  
*Deputy Director.*

MAY 8, 1941.

[F. R. Doc. 41-3380; Filed, May 9, 1941;  
12:43 p. m.]